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LIST OF OFFICERS.

"4. There shall be prefixed to each volume of the Session Laws, hereafter published, the names and residence of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses, in office at the time of the passage of the Laws contained in such volumes."— *Laws of* 1847, *Chap.* 458, *Sec.* 4.

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY, AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK, AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	Office.	County.	Residence.
Alonzo B. Cornell	Governor	Albany	Albany.
George G. Hoskins	Lieut.-Governor,	Wyoming	Attica.
John Birdsall	Senator	Queens	Glen Cove.
William H. Murtha	do	Kings	Brooklyn.
Frederick A. Schroeder	do	Kings	Brooklyn.
John C. Jacobs	do	Kings	Brooklyn.
Edward Hogan	do	New York	New York.
Jacob Seebacher	do	New York	New York.
Ferdinand Eidman	do	New York	New York.
Robert H. Strahan	do	New York	New York.
Francis M. Bixby	do	New York	New York.
William W. Astor	do	New York	New York.
George H. Forster	do	New York	New York.
William H. Robertson	do	Westchester	Katonah.
Edward M. Madden	do	Orange	Middletown.
Charles A. Fowler	do	Ulster	Kingston.
Stephen H. Wendover	do	Columbia	Stuyvesant.
Isaac V. Baker, Jr.	do	Washington	Comstocks.
Waters W. Braman	do	Albany	West Troy.
Webster Wagner	do	Montgomery	Palatine Bridge.
William W. Rockwell	do	Warren	Glens Falls.
Dolphus S. Lynde	do	St. Lawrence	Hermon.
Bradley Winslow	do	Jefferson	Watertown.
James Stevens	do	Oneida	Rome.
Albert M. Mills	do	Herkimer	Little Falls.
Edwin G. Halbert	do	Broome	Binghamton.
Dennis McCarthy	do	Onondaga	Syracuse.
William B. Woodin	do	Cayuga	Auburn.
Ira Davenport	do	Steuben	Bath.
George P. Lord	do	Yates	Dundee.
Edmund L. Pitts	do	Orleans	Medina.
James H. Loomis	do	Wyoming	Attica.
Benjamin H. Williams	do	Erie	Buffalo.
Loren B. Sessions	do	Chautauqua	Panama.
William H. Slingerland	Assemblyman	Albany	Slingerlands.

NAME.	Office.	County.	Residence.
Hiram Griggs	Assemblyman	Albany	Knowersville.
Ignatius Wiley	do	Albany	Albany.
*Joseph Hynes	do	Albany	Green Island.
†Thomas Liddle	do	Albany	Green Island.
Samuel H. Morgan	do	Allegany	Cuba.
Alexander E. Andrews	do	Broome	Binghamton.
Zenas G. Bullock	do	Cattaraugus	Allegany.
Joseph M. Congdon	do	Cattaraugus	Gowanda.
Harvey D. Ferris	do	Cayuga	Meridian.
Hector H. Tuthill	do	Cayuga	Moravia.
Charles P. Ingersoll	do	Chautauqua	Westfield.
Smith Clark	do	Chautauqua	Silver Creek.
Henry C. Hoffman	do	Chemung	Horseheads.
Oscar H. Curtis	do	Chenango	Oxford.
William P. Mooers	do	Clinton	Plattsburg.
John E. Gillette	do	Columbia	Hudson.
Samuel A. Childs	do	Cortland	Scott.
Bobert Beates	do	Delaware	Downsville.
Isaac S. Carpenter	do	Dutchess	Shekomeko.
Cornelius Pitcher	do	Dutchess	Poughkeepsie.
Jules O'Brien	do	Erie	Buffalo.
Frank Sipp	do	Erie	Buffalo.
James Ash	do	Erie	Buffalo.
James A. Roberts	do	Erie	Buffalo.
Harvey J. Hurd	do	Erie	Elma.
Warren P. Weston	do	Essex	Wilmington.
William D. Brennan	do	Franklin	Malone.
David A. Wells	do	Fulton & Ham'n	Johnstown.
John Sanders	do	Genesee	Stafford.
Albert Parker	do	Greene	Coxsackie.
William D. Gorsline	do	Herkimer	Miller's Mills.
Charles R. Skinner	do	Jefferson	Watertown.
John D. Ellis	do	Jefferson	Antwerp.
John Shanley	do	Kings	Brooklyn.
John McTernan	do	Kings	Brooklyn.
Laurence J. Tormey	do	Kings	Brooklyn.
John M. Clancy	do	Kings	Brooklyn.
Thomas J. Sheridan	do	Kings	Brooklyn.
Patrick J. Tully	do	Kings	Brooklyn.
George Wren	do	Kings	Brooklyn.
David Lindsay	do	Kings	Brooklyn.
Charles H. Russell	do	Kings	Brooklyn.
Richard J. Newman	do	Kings	Brooklyn.
Daniel W. Tallmadge	do	Kings	Brooklyn.
Erastus D. Benedict	do	Kings	East New York.
Charles A. Chickering	do	Lewis	Copenhagen.
Archibald Kennedy	do	Livingston	York.
Gerrit S. Miller	do	Madison	Peterboro.
George LeGrand Seely	do	Monroe	Fairport.
Charles S. Baker	do	Monroe	Rochester.
Frederick P. Root	do	Monroe	Brockport.
John Warner	do	Montgomery	Amsterdam.
James Fitzgerald	do	New York	New York.
Thomas P. Walsh	do	New York	New York.
George B. Gibbs	do	New York	New York.
John H. McCarthy	do	New York	New York.
Warren C. Bennett	do	New York	New York.

* Seat contested by Thomas Liddle. † Sworn in March 17, vice Joseph Hynes.

NAME.	Office.	County.	Residence.
Patrick O'Connor	Assemblyman	New York	New York.
Isaac I. Hayes	do	New York	New York.
John E. Brodsky	do	New York	New York.
George B. Dean, Sr	do	New York	New York
Edward Grosse	do	New York	New York.
James M. Varnum	do	New York	New York.
Louis Cohen	do	New York	New York.
Charles H. Duell	do	New York	New York.
James J. Costello	do	New York	New York.
Michael J. Dougherty	do	New York	New York.
Edward P. Hagan	do	New York	New York.
Frank P. Treanor	do	New York	New York.
William Cushing	do	New York	New York.
Joseph H. McAvoy	do	New York	New York.
Frederick Thilemann, Jr	do	New York	New York.
Edward Mitchell	do	New York	New York.
John T. McDonald	do	New York	New York.
Nathaniel B. Terpeny	do	New York	New York.
James Lee Wells	do	New York	West Farms.
Thos. N. Van Valkenburgh,	do	Niagara	Lockport.
James Low	do	Niagara	Suspension Bridge.
Henry J. Cookinham	do	Oneida	Utica.
James A. Douglass	do	Oneida	Oriskany Falls.
David Gray	do	Oneida	Utica.
Thomas G. Alvord	do	Onondaga	Syracuse.
Albert Howland	do	Onondaga	Jordan.
Henry L. Duguid	do	Onondaga	Syracuse.
Charles R. Case	do	Ontario	West Bloomfield.
Morgan Shuit	do	Orange	Central Valley.
James E. Waterbury	do	Orange	Amity.
Marcus H. Phillips	do	Orleans	Hulberton.
Patrick W. Cullinan	do	Oswego	Oswego.
William H. Steele	do	Oswego	Williamstown.
Azro Chase	do	Otsego	Chaseville.
Nathan Bridges	do	Otsego	Morris.
George McCabe	do	Putnam	Cold Spring.
William J. Youngs	do	Queens	Oyster Bay.
B. Valentine Clowes	do	Queens	Hempstead.
La Mott W. Rhodes	do	Rensselaer	Troy.
Albert C. Comstock	do	Rensselaer	Lansingburgh.
Barnis C. Strait	do	Rensselaer	East Nassau.
Oliver Fiske	do	Richmond	New Brighton.
James W. Husted	do	Rockland	Peekskill.
Daniel Peck	do	St. Lawrence	Gouverneur.
Worth Chamberlain	do	St. Lawrence	Canton.
Ebenezer S. Crapser	do	St. Lawrence	Stockholm Depot.
Benjamin F. Baker	do	Saratoga	Ballston.
Delcour S. Potter	do	Saratoga	Schuylerville.
Arthur D. Mead	do	Schenectady	Quaker Street.
Robert G. Havens	do	Schoharie	Jefferson.
Lewis Beach	do	Schuyler	Tyrone.
David H. Evans	do	Seneca	Seneca Falls.
John W. Davis	do	Steuben	Hammondsport.
Russell M. Tuttle	do	Steuben	Hornellsville.
Everett A. Carpenter	do	Suffolk	Sag Harbor.
Alpheus Potts	do	Sullivan	Jeffersonville.
Edward J. Nowlan	do	Tioga	Newark Valley.
Charles M. Titus	do	Tompkins	Ithaca.
George H. Sharpe	do	Ulster	Kingston.

NAME.	Office.	County.	Residence.
Peter D. Lefever	Assemblyman	Ulster	Kingston.
Thomas E. Benedict	do	Ulster	Ellenville.
Henry P. Gwinup	do	Warren	Luzerne.
Hiram Sisson	do	Washington	Eagle Bridge.
George L. Terry	do	Washington	Sandy Hill.
Alfred P. Crafts	do	Wayne	Wolcott.
Jefferson Sherman	do	Wayne	Marion.
D. Ogden Bradley	do	Westchester	Dobb's Ferry.
William H. Catlin	do	Westchester	Rye.
David W. Travis	do	Westchester	Peekskill.
Orange L. Tozier	do	Wyoming	Johnsonburgh.
Asa P. Fish	do	Yates	Dundee.

PRESIDING OFFICERS AND CLERKS.

NAME.	Office.	County	Residence.
George G. Hoskins	President of the Senate	Wyoming	Attica.
George H. Sharpe	Speaker of the Assembly	Ulster	Kingston.
John W. Vrooman	Clerk of the Senate	Herkimer	Herkimer.
Edward M. Johnson	Clerk of the Assembly	Otsego.	Oneonta.

LAWS

OF THE

STATE OF NEW YORK

PASSED AT THE

ONE HUNDRED AND THIRD REGULAR SESSION OF THE LEGISLATURE BEGUN THE SIXTH DAY OF JANUARY, AND ENDED THE TWENTY-SEVENTH DAY OF MAY, 1880, AT THE CITY OF ALBANY.

CHAP. 1.

AN ACT to confirm the incorporation of "The Union Evangelical Church of Corona."

PASSED January 29, 1880.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. On filing in the office of the secretary of State a copy of the certificate of incorporation of "The Union Evangelical Church of Corona," on file in the office of the clerk of Queens county, duly certified by the said clerk, the incorporation of the said "The Union Evangelical Church of Corona" shall be as valid and effectual for all purposes as if the said certificate had been executed in duplicate and on the third day of July eighteen hundred and seventy-three, filed with the written consent and approbation of a justice of the supreme court of the second district indorsed thereon, in the office of the clerk of Queens county and in the office of the secretary of State.

On filing certificate incorporation to be valid.

§ 2. All the official acts of the trustees of the said church are hereby legalized and confirmed and its title to all property given or granted to it is likewise confirmed.

Official acts legalized.

§ 3. This act shall take effect immediately.

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature, January 29, 1880.

CHAP. 2.

AN ACT authorizing the board of supervisors of the county of Ulster to issue bonds during the years eighteeen hundred and eighty, eighteen hundred and eighty-one, and eighteen hundred and eighty-two respectively, to pay portions of the county bonds falling due in said years.

PASSED January 29, 1880; three-fifths being present.

The People of the State of New York represented in Senate and Assembly do enact as follows:

SECTION 1. The board of supervisors of the county of Ulster, pursuant to a resolution of said board, passed December thirtieth eighteen hundred and seventy-nine, as follows, viz.:

Resolution of board of supervisors to borrow money.

Resolved, That the county treasurer and chairman of the board of supervisors be and they are hereby authorized to borrow on the credit of the county the sum of one hundred thousand dollars to pay a portion of the bonds falling due March first, eighteen hundred and eighty, and to reissue therefor county bonds payable March first, eighteen hundred and eighty-nine and eighteen hundred and ninety; fifty thousand dollars in each year.

That said officers or their successors in office are hereby authorized to borrow during the succeeding year the like sum of one hundred thousand dollars, to pay a portion of the county bonds falling due March first, eighteen hundred and eighty-one, and to reissue therefor county bonds payable March first, eighteen hundred and ninety-one and eighteen hundred and ninety-two, fifty thousand dollars in each year. That the said officers or their successors in office are hereby authorized to borrow the next succeeding year the further sum of one hundred thousand dollars to pay a portion of the bonds falling due March first, eighteen hundred and eighty-two, and to reissue therefor county bonds payable eighteen hundred and ninety-three and eighteen hundred and ninety-four, fifty thousand dollars in each year; that each bond shall bear the seal of the county and be signed by the chairman of the board of supervisors and the county treasurer. That said bonds be issued in such denominations as the officers selling the same shall deem best, with interest at the rate of five per centum payable annually on the first day of March in each and every year until the principal sum be paid. That the said bonds be sold at public auction on the seventeenth day of February, eighteen hundred and eighty, eighteen hundred and eighty-one and eighteen hundred and eighty-two respectively, under the direction of the county treasurer; and that the county treasurer receive the proceeds of such sales. *The said sales to be advertised for two weeks in the official county papers. The chairman of the said board and said county treasurer shall receive proposals for engraving and printing such bonds and let the same to the lowest responsible bidder.

It is also further

Bonds paid to be canceled and destroyed.

Resolved, That all bonds paid shall be immediately cancelled* and destroyed by said county treasurer, and a certificate, properly verified, shall be made by said county treasurer and filed in the county clerk's office of the bonds destroyed and also of the new bonds issued," is hereby authorized, directed and empowered to issue bonds of said county, in the amounts, manner and form as* prescribed in the forego-

* So in original.

ing resolution; the said bonds to bear interest at the rate of five per centum per annum payable on the first day of March in each and every year until the principal sum be paid.

§ 2. The said county treasurer is authorized and directed to sell the said bonds at public auction at the court-house in the city of Kingston, N. Y., at the times and in the manner prescribed in the aforesaid resolution; provided, however, that said bonds shall not be sold for less than par; the sale to be previously advertised for two weeks in the official county newspapers and such other newspapers as the said chairman of the board of supervisors and county treasurer shall deem necessary. The expense of printing, engraving and advertising shall be paid by the county treasurer. County treasurer to sell bonds.

§ 3. The said board of supervisors shall cause to be levied by tax on the taxable property of said county, and collected and paid annually, such sums as may be necessary to pay the interest on said bonds, and pay such portion of the principal thereof from time to time as the same shall become due, and the said treasurer shall apply the moneys so collected and paid to him to the payment of the said principal and interest. Tax to be levied.

§ 4. This act shall take effect immediately.

CHAP. 3.

AN ACT to incorporate the James Prendergast Library Association of Jamestown, New York.

PASSED January 29, 1880; three-fifths being present.

WHEREAS, James Prendergast, late of Jamestown, Chautauqua county, New York, in his life-time requested that at his death a portion of his estate should be appropriated to found and maintain a public library in the village of Jamestown, under the management and control of an incorporated library association; Preamble

And WHEREAS, his parents, Alexander T. Prendergast and Mary A. Prendergast, desire to comply with that request;

And WHEREAS, in the judgment of the legislature, the objects of this corporation cannot be attained under general laws:

Now, therefore,

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Robert Newland, William C. J. Hall, Frank E. Gifford, Eleazer Green, Junior, Solomon Jones, Lucius B. Warner and William H. Proudfit, all of the village of Jamestown, Chautauqua county, New York, and their successors, are hereby created and declared to be a body corporate, to continue forever, by the name of the "James Prendergast Library Association of Jamestown, New York," by which name they and their successors may sue and be sued, plead and be impleaded, contract and be contracted with, and be forever known in all courts and places whatever, and may also have and use a common seal, and may change and alter the same at pleasure. Corporators. Name.

§ 2. The direction and management of the affairs of the said association and the control and disposal of its property and funds shall be vested in the said Robert Newland, William C. J. Hall, Frank E. Management of affairs.

Gifford, Eleazer Greene, Junior, Solomon Jones, Lucius B. Warner and William H. Proudfit, and their successors, as trustees. The number of said trustees shall be seven, and they must all be residents of the village of Jamestown, New York, and any vacancies in their number, occurring by reason of death, resignation, incapacity, removal from the village of Jamestown, or from any other cause, shall be filled by persons to be appointed by the remaining trustees or a majority of them, at any meeting of said trustees, regularly called, pursuant to the by-laws of said association. Such appointments shall be in writing, signed by the trustees making the same, and shall be filed by the secretary of said board of trustees, and no appointment to fill a vacancy shall be effective until the person appointed shall file a written acceptance of such appointment with the secretary of said board of trustees. In case the said trustees shall neglect to fill any vacancy for the period of six months after the same shall occur, the supreme court shall have power to fill the same upon the application of any resident freeholder of the village of Jamestown, New York, upon due notice being given, in writing, of at least thirty days, to the remaining trustees, if there are any, and if there are none remaining upon whom such notice can be served, then such notice shall be served by publication, once in each week for six successive weeks, in a newspaper published in the said village of Jamestown, and having a general circulation.

Number of trustees.

Vacancies, how filled.

May receive conveyance of real estate and receive and hold donations.

§ 3. Said association is hereby empowered to receive from Alexander T. Prendergast, and Mary A. Prendergast, his wife, a conveyance in fee simple, of the building, lands, and premises situate on the corner of Main and West Third streets, in Jamestown, Chautauqua county, New York, known as the "Prendergast building," and to hold the same for the purpose of establishing and maintaining a public reference and circulating library, according to the terms and provisions of this act. And said association may also take and hold any additional or further donations, grants, devises, bequests, or general or specific endowments, which may be made in further aid or support of said library, and the objects of said association by Alexander T. Prendergast or Mary A. Prendergast, or by any government or public institution.

Income, how invested.

§ 4. The rents and income issuing from said "Prendergast building," and also the funds accruing from all other sources, shall be invested at least twice in each year, in bonds bearing interest, and secured by mortgages upon productive real estate, except such amounts as shall be necessary for the improvement, care, repair and insurance of the property of said association, and shall be kept so invested until the property of the association (not including said Prendergast building) shall amount to one hundred thousand dollars, at which time, seventy-five thousand dollars thereof shall be expended in purchasing a site in the village of Jamestown, New York, and in the erection and preparation of a fire-proof library building thereon, not more than ten thousand dollars shall be expended in the purchase of the site. The remaining twenty-five thousand dollars shall be kept invested as above provided, and the interest thereon shall be used and expended to aid in repairing, maintaining, improving, heating, lighting and caring for the said "James Prendergast Library Association building," and in paying the necessary employees and attendants, and should the interest on said twenty-five thousand dollars be insufficient for these purposes then the deficiency shall be supplied from the rents and income from said Prendergast building, accruing subsequently to

the accumulation of the one hundred thousand dollars, and from any other property or the rents and income thereof, which said association may hold, and such a share of the remainder of said rents and income as said trustees shall deem advisable, shall be used from time to time in purchasing books, works of art, drawings, maps, charts, paintings, engravings, statuary and such other material as is necessary and suitable to be placed in said library building, and in gradually enlarging and improving the said library in its different departments and in defraying the necessary expenses of insuring, keeping in repair and properly caring for the property of said association and in providing for the accommodation of those resorting to said library. The remainder of said rents and income if any there be, and any other property which said association shall hold, shall be placed at interest from time to time, but not for longer periods than five years, and be allowed to accumulate as a fund for purchasing additional ground, building additions to the library building or rebuilding the same or the "Prendergast building" in the event of the partial or total destruction of either by fire or otherwise. Should said association receive by grant or devise, or in any other way, a suitable site for said library building, before the accumulation of the one hundred thousand dollars as above provided for, then the value of such site shall be considered as a part of such accumulation, and the balance of said seventy-five thousand dollars, after deducting the value of such site, shall be expended in the erection and preparation of the library building.

Power of trustees.

§ 5. The said trustees and their successors shall have full power and authority to make such regulations and ordinances from time to time, as they may think proper for the good order and convenience of those who may resort to said library or use the same, and to make such by-laws as they shall deem suitable for conducting the business of the association, and for the protection and preservation of its property. To *appoint, direct, control and at their pleasure remove a superintendent of the library and all librarians and other persons necessary to be employed about the same, and in general to have and use all powers and authority necessary for the promotion of the objects of the association.

Library to be free.

§ 6. The said library shall be accessible at all reasonable hours and times for general use, free of expense to persons resorting thereto, subject to such control and regulation as the said trustees may, from time to time, exercise and establish for general convenience and for the care and protection of the property of the association. And also providing that no books belonging to the reference library, shall be removed from the library association building, and no books belonging to the circulating library, shall be loaned to any person to be removed from the village of Jamestown.

Subject to visitation.

§ 7. The said association shall be subject to the visitation of the supreme court, for the purpose of preventing or redressing any mismanagement, waste or breach of trust.

President of board to be elected.

§ 8. The said trustees shall, within twenty days after the passage of this act, elect one of their number to preside over the board until June eighteenth, eighteen hundred and eighty, and said board shall annually, on the eighteenth day of June, and whenever that day falls on Sunday, then on the Saturday preceding, elect one of their number to preside over said board, who shall hold such office for one year and until his successor is chosen, and they may, at any time, appoint or remove a secretary, and any other officers which their business may require. The acts of a majority of the trustees at any meeting duly

* So in original.

Gifford, Eleazer Greene, Junior, Solomon Jones, Lucius B. Warner and William H. Proudfit, and their successors, as trustees. The number of said trustees shall be seven, and they must all be residents of the village of Jamestown, New York, and any vacancies in their number, occurring by reason of death, resignation, incapacity, removal from the village of Jamestown, or from any other cause, shall be filled by persons to be appointed by the remaining trustees or a majority of them, at any meeting of said trustees, regularly called, pursuant to the by-laws of said association. Such appointments shall be in writing, signed by the trustees making the same, and shall be filed by the secretary of said board of trustees, and no appointment to fill a vacancy shall be effective until the person appointed shall file a written acceptance of such appointment with the secretary of said board of trustees. In case the said trustees shall neglect to fill any vacancy for the period of six months after the same shall occur, the supreme court shall have power to fill the same upon the application of any resident freeholder of the village of Jamestown, New York, upon due notice being given, in writing, of at least thirty days, to the remaining trustees, if there are any, and if there are none remaining upon whom such notice can be served, then such notice shall be served by publication, once in each week for six successive weeks, in a newspaper published in the said village of Jamestown, and having a general circulation.

Number of trustees.

Vacancies, how filled.

May receive conveyance of real estate and receive and hold donations.

§ 3. Said association is hereby empowered to receive from Alexander T. Prendergast, and Mary A. Prendergast, his wife, a conveyance in fee simple, of the building, lands, and premises situate on the corner of Main and West Third streets, in Jamestown, Chautauqua county, New York, known as the "Prendergast building," and to hold the same for the purpose of establishing and maintaining a public reference and circulating library, according to the terms and provisions of this act. And said association may also take and hold any additional or further donations, grants, devises, bequests, or general or specific endowments, which may be made in further aid or support of said library, and the objects of said association by Alexander T. Prendergast or Mary A. Prendergast, or by any government or public institution.

Income, how invested.

§ 4. The rents and income issuing from said "Prendergast building," and also the funds accruing from all other sources, shall be invested at least twice in each year, in bonds bearing interest, and secured by mortgages upon productive real estate, except such amounts as shall be necessary for the improvement, care, repair and insurance of the property of said association, and shall be kept so invested until the property of the association (not including said Prendergast building) shall amount to one hundred thousand dollars, at which time, seventy-five thousand dollars thereof shall be expended in purchasing a site in the village of Jamestown, New York, and in the erection and preparation of a fire-proof library building thereon, not more than ten thousand dollars shall be expended in the purchase of the site. The remaining twenty-five thousand dollars shall be kept invested as above provided, and the interest thereon shall be used and expended to aid in repairing, maintaining, improving, heating, lighting and caring for the said "James Prendergast Library Association building," and in paying the necessary employees and attendants, and should the interest on said twenty-five thousand dollars be insufficient for these purposes then the deficiency shall be supplied from the rents and income from said Prendergast building, accruing subsequently to

the accumulation of the one hundred thousand dollars, and from any other property or the rents and income thereof, which said association may hold, and such a share of the remainder of said rents and income as said trustees shall deem advisable, shall be used from time to time in purchasing books, works of art, drawings, maps, charts, paintings, engravings, statuary and such other material as is necessary and suitable to be placed in said library building, and in gradually enlarging and improving the said library in its different departments and in defraying the necessary expenses of insuring, keeping in repair and properly caring for the property of said association and in providing for the accommodation of those resorting to said library. The remainder of said rents and income if any there be, and any other property which said association shall hold, shall be placed at interest from time to time, but not for longer periods than five years, and be allowed to accumulate as a fund for purchasing additional ground, building additions to the library building or rebuilding the same or the "Prendergast building" in the event of the partial or total destruction of either by fire or otherwise. Should said association receive by grant or devise, or in any other way, a suitable site for said library building, before the accumulation of the one hundred thousand dollars as above provided for, then the value of such site shall be considered as a part of such accumulation, and the balance of said seventy-five thousand dollars, after deducting the value of such site, shall be expended in the erection and preparation of the library building.

Power of trustees.

§ 5. The said trustees and their successors shall have full power and authority to make such regulations and ordinances from time to time, as they may think proper for the good order and convenience of those who may resort to said library or use the same, and to make such by-laws as they shall deem suitable for conducting the business of the association, and for the protection and preservation of its property. To *appoint, direct, control and at their pleasure remove a superintendent of the library and all librarians and other persons necessary to be employed about the same, and in general to have and use all powers and authority necessary for the promotion of the objects of the association.

Library to be free.

§ 6. The said library shall be accessible at all reasonable hours and times for general use, free of expense to persons resorting thereto, subject to such control and regulation as the said trustees may, from time to time, exercise and establish for general convenience and for the care and protection of the property of the association. And also providing that no books belonging to the reference library, shall be removed from the library association building, and no books belonging to the circulating library, shall be loaned to any person to be removed from the village of Jamestown.

Subject to visitation.

§ 7. The said association shall be subject to the visitation of the supreme court, for the purpose of preventing or redressing any mismanagement, waste or breach of trust.

President of board to be elected.

§ 8. The said trustees shall, within twenty days after the passage of this act, elect one of their number to preside over the board until June eighteenth, eighteen hundred and eighty, and said board shall annually, on the eighteenth day of June, and whenever that day falls on Sunday, then on the Saturday preceding, elect one of their number to preside over said board, who shall hold such office for one year and until his successor is chosen, and they may, at any time, appoint or remove a secretary, and any other officers which their business may require. The acts of a majority of the trustees at any meeting duly

* So in original.

Trustees not to receive a compensation.

called according to the by-laws of the association, shall be valid. The said trustees shall not receive any compensation for their services, except that should one of their number be appointed secretary, he may receive a reasonable compensation therefor.

Exempt from tax.

§ 9. The property, real and personal, of the said association shall be exempt from local taxation, and it shall be the duty of the trustees to keep the same in repair, and also insured (excepting only the fire-proof library building) in good and reliable companies, and should the "Prendergast building" be wholly or partially destroyed by fire or otherwise, they shall cause the same to be repaired or rebuilt, in as near its present design and appearance as possible, as soon after such injury or destruction as practicable.

Report to be published.

§ 10. The said trustees shall, at least twice in each year, publish in a newspaper published in the village of Jamestown, New York, and having a general circulation, a report of the financial condition of the association and how its funds are secured.

When trustees to be liable for debts.

§ 11. If any debts of said association shall not be paid out of its funds when due, the trustees voting in favor of incurring said debt, shall be individually liable for it, in such cases and to such extent as they would be if not incorporated.

Public act.

§ 12. This act is hereby declared to be a public act, and shall be construed most favorably to subserve and promote the purpose and design of the association, and no misnomer of the said association in any deed, title, testament, grant or other instrument, contract or conveyance, shall vitiate the same, if the said association shall be sufficiently described therein to ascertain the intention of the parties.

§ 13. This act shall take effect immediately.

CHAP. 4.

AN ACT to declare the cases in which offices shall be deemed vacant.

PASSED February 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

New office, when to be deemed vacant.

SECTION 1. When a new office is created more than three months prior to the next general election, the same shall be deemed vacant from and after the date of the creation of the same and until the same shall be filled by election or appointment.

When office vacant as to additional incumbent.

§ 2. Whenever more than three months prior to the next general election provision is made for an additional incumbent of an office then existing, such office shall be deemed vacant as to such additional incumbent from and after the time when such provision shall take effect until the same shall be filled by election or appointment.

Applies to all new offices.

§ 3. This act shall apply to all new offices heretofore created, and to all cases where provision has been heretofore made for an additional incumbent of an office then existing.

§ 4. This act shall take effect immediately.

CHAP. 5.

AN ACT to authorize the president, treasurer and secretary of any railroad company to issue certificates of stock in certain cases after a foreclosure and sale of the property and franchises of the corporation.

PASSED February 5, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When president, etc., to issue certificates of stock.

SECTION 1. The president, treasurer and secretary of any railroad company organized under the laws of this State, or either of them, whose property and franchises have been sold under a foreclosure of any mortgage given to secure the payment of any bond or bonds issued by such company, are hereby authorized and required after such foreclosure and sale upon demand of any individual or any duly authorized officers of any corporation, town, county or city entitled thereto, to issue certificates of stock in said railroad company, provided, when any such individual or the proper officers of any corporation, county, town or city duly authorized so to do, have subscribed to the stock of such railroad company and paid the amount of such subscription to the officers of such railroad company, either in money or bonds before the date of such foreclosure and sale, and a certificate of stock through the neglect of such railroad company or of any individual or the officers of any town, county, city or corporation has not been issued and delivered to said subscriber or the officers of any corporation, town, county or city for the amount of money or both so subscribed and paid.

Effect of certificates.

§ 2. All certificates of stock issued under the authority of the first section of this act shall have all the force and effect, and shall give the holder all the rights which would pertain thereto as if said stock had been issued at the date and payment of the subscription thereto.

§ 3. This act shall take effect immediately.

CHAP. 6.

AN ACT to authorize the common council of the city of Lockport to raise, by tax, and disburse money in providing a system of fire alarm for said city of Lockport.

PASSED February 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

$4,000 tax for fire alarm.

SECTION 1. The common council of the city of Lockport may, in the year eighteen hundred and eighty, raise by general tax on the property of said city, at the same time and in the like manner with the other taxes raised therein in said year, the sum of four thousand dollars, or so much thereof as may be necessary, to be used and expended in purchasing, providing and putting in operation in said city a system of fire alarm.

May contract for same immediately.

§ 2. The said common council may proceed immediately to contract for the furnishing and putting in operation such system of fire alarm as they may determine to purchase, and may contract that the same shall be delivered to said city, put up and in good working order, at any time specified before the collection of the tax in the foregoing section authorized; and said common council are hereby authorized to order a warrant or warrants drawn upon the treasurer and tax receiver of said city in payment thereof, in like manner as other warrants are drawn, but to be made payable on the fifteenth day of October, in the year eighteen hundred and eighty, and not to exceed in amount the sum authorized to be raised by the foregoing section.

To be the property of the city.

§ 3. Such system of fire alarm, and all the parts and appendages thereof, when so purchased and put up, shall be the property of the city of Lockport, and shall be kept, used and maintained as a part of the fire department of said city, under the charge and direction of the common council.

§ 4. This act shall take effect immediately.

CHAP. 7.

AN ACT to incorporate the fire department of the village of Medina.

PASSED February 10, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. All such persons as are now or hereafter shall be members of each and every fire company organized and to be organized, by the board of trustees of the village of Medina, under the charter of said village, shall be and continue a body corporate by the name of

Name.

"The Fire Department of the village of Medina," and they and their successors by the said name are authorized to purchase, receive by gift, or otherwise, hold and convey any real or personal property for the use of said corporation, not exceeding in value the sum of ten thousand dollars.

Trustees.

§ 2. There shall be a board of trustees who shall have the management of the affairs and property of the said corporation, and such other powers, and subject to such other obligations as are hereinafter provided.

Election, when to be held.

§ 3. The said several fire companies shall, on the third Monday in February next, and on said day in each year thereafter, hold an election, and thereat elect one trustee as a member of the board of trustees of said department. The trustees shall be divided into two classes, one trustee in each class, and shall hold their office for the term of two years respectively; but at the first election under this act eight trustees shall be elected, two from each company, one for one year and one for two years. At each annual election thereafter, one trustee from each fire company shall be elected, and shall hold their office for two years, and the persons thus elected, together with the chief engineer and assistant engineer, shall form the said board of trustees, and said body shall, out of their own body, on the first Monday in March in each year, which day is designated for their annual meeting, choose by ballot a president, a vice-president, a secretary and a treasurer.

Trustees, term of office of.

Board of trustees.

§ 4. The said trustees shall have power to make such by-laws, rules and regulations, from time to time, as they may deem expedient and proper, not inconsistent with the charter and ordinances of said village, and may be convened by the president, or as may be provided by said laws, rules and regulations. The treasurer shall give security to said board of trustees for the faithful performance of his duties, and at every annual meeting, or oftener, if required by the trustees, shall render to them an account of the property of the department, and of his action as treasurer. The said trustees shall have power to remove any of the officers of the board of trustees after three days' previous notice in writing of the charges preferred, and elect others instead. A majority of the trustees shall constitute a quorum for the transaction of business, and the acts of said board, herein authorized, may be done by said majority. The board of trustees shall fill all vacancies which may occur in the offices of said board, until the next election after the occurrence of such vacancies, and may, by its president, or otherwise, as such board shall direct, call special elections to fill vacancies in any of the offices in this act mentioned; but in case of a vacancy in the office of trustee, such vacancy shall be filled by the company from which such trustee is deputed. Notice of the time of all elections under this act shall be given by the secretary at least five days before the time thereof, by publication thereof in at least one of the newspapers of the village.

By-laws.

Treasurer to give security.

Removal of officers.

Quorum.

Vacancies.

Notices of election.

§ 5. The board of trustees may apply the funds of said corporation which shall arise from chimney fines, certificate of membership, money paid by insurance companies, in pursuance of law, and donations or such parts of said funds, or of the income thereof, as they shall deem proper, for the use and benefit of such fire department.

Funds, how to be applied.

§ 6. The said fire department shall possess the general powers of a corporation as defined and limited in title three of the eighteenth chapter of part first of the Revised Statutes.

General powers.

§ 7. The said board of trustees shall have power to impose reasonable fines and penalties for the violation by the members of said corporation of the by-laws, rules and regulations of said board, and to sue in the corporate name for the recovery of such penalty.

Fines.

§ 8. The members of any fire company now organized or hereafter organized in the village of Medina may be exempted from taxation to the amount of five hundred dollars on any village assessment for village purposes in said village of Medina, and from highway poll tax, in addition to the exemptions now enumerated by law; and the real or personal property of any such company, or of the said fire department of the village of Medina, may be exempted from like village taxation, provided that at any general election, or at any special election called for that purpose, held in said village, a majority of the legal voters of such village voting thereat shall vote in favor thereof, and at any such election the vote shall be by ballot, and the ballot shall be indorsed: "For exemption of five hundred dollars from taxation of the members of the fire company," or, "Against exemption of five hundred dollars from taxation of the members of the fire company," and a similar ballot indorsed, "For exemption from highway poll tax of the members of the fire company," or, "Against exemption from highway poll tax of the members of the fire company," and a similar ballot indorsed, "For the exemption of real and personal property of the fire company and fire department of the village of Medina," or, "Against the exemption of real and personal property of the fire company and fire department of the village of Medina." Such election shall be

Exemption from taxation.

Proviso.

Form of ballot.

Election, how to be held.

held in the same manner and by the same officers as at a general election in said village.

§ 9. This act shall take effect immediately.

CHAP. 8.

AN ACT relating to legal proceedings in which the mayor, aldermen and commonalty of the city of New York are parties of record or in interest.

PASSED February 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bond or other security may be executed by comptroller.

SECTION 1. In all actions or proceedings, in either the State or United States courts, in which the mayor, aldermen and commonalty of the city of New York, or any department thereof, shall be a party, wherever an undertaking, bond, security or stipulation is required as a condition to the obtaining of any legal remedy or process, the perfecting of an appeal or the stay of execution, or other writ in the nature thereof, such undertaking, bond or stipulation may be executed on behalf of the mayor, aldermen and commonalty of the city of New York by the comptroller of said city, upon the advice of the counsel to the corporation that the same should be executed, and in such form as he may approve; or security may be given in such manner and form as the said counsel to the corporation may advise.

Bonds, etc., legalized.

§ 2. Any such bond, undertaking or stipulation executed since the first day of January, one thousand eight hundred and eighty, shall have the same force and effect as if executed subsequent to the passage of this act.

Not to effect existing provisions of law.

§ 3. This act shall not affect any existing provision of law authorizing municipal corporations to stay the execution of a judgment, or order appealed from without an undertaking or other security.

§ 4. This act shall take effect immediately.

CHAP. 9.

AN ACT to declare women eligible to serve as school trustees.

PASSED February 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person shall be deemed to be ineligible to serve as any school officer, or to vote at any school meeting, by reason of sex, who has the other qualifications now required by law.

§ 2. This act shall take effect immediately.

CHAP. 10.

AN ACT appropriating moneys for the State prison at Auburn.

PASSED February 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, payable by the treasurer, on the warrant of the comptroller, from any moneys in the treasury not otherwise appropriated, to defray the expenses incurred in material and labor in rebuilding and enlarging shops at the State prison at Auburn, and for furnishing apparatus for heating the shops so enlarged and rebuilt, and for extinguishing fires therein. Appropriation for rebuilding shops, etc.

§ 2. So much of the unexpended appropriation of one thousand dollars, made May first, one thousand eight hundred and seventy-six, for materials for ice-house and refrigerator at the State prison at Auburn, as may be necessary for the purpose, is hereby reappropriated and authorized to be used to build a coal-house and track for the same at said prison. Re-appropriation.

§ 3. This act shall take effect immediately.

CHAP. 11.

AN ACT making an appropriation to carry out the provisions of chapter one hundred and thirty-four of the laws of eighteen hundred and seventy-eight, and chapter three hundred and six of the laws of eighteen hundred and seventy-nine, entitled, respectively, "An act in relation to infectious and contagious diseases of animals," and to provide for liquidating and discharging all obligations incurred thereunder by the agents of the State.

PASSED February 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable on the warrant of the comptroller, on vouchers to be approved by the governor, for the purpose of carrying out the provisions of chapter one hundred and thirty-four of the laws of eighteen hundred and seventy-eight, and chapter three hundred and six of the laws of eighteen hundred and seventy-nine, entitled, respectively, "An act in relation to infectious and contagious diseases of animals," and for liquidating and discharging all obligations incurred thereunder by the agents of the State. Appropriation to carry out provisions of act in relation to contagious diseases of animals.

§ 2. This act shall take effect immediately.

CHAP. 12.

AN ACT to amend chapter three hundred and seventeen of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the bonded indebtedness of villages, cities, towns and counties.'"

PASSED February 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, of chapter 317, laws of 1878, amended.

SECTION 1. Section one of chapter three hundred and seventeen of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the bonded indebtedness of villages, cities, towns and counties,'" is hereby amended so as to read as follows:

Bonded indebtedness may be paid up by issue of new bonds.

§ 1. The present bonded indebtedness of any village, city, town, district of a town, or county, may be paid up or retired by the issuance of bonds of the same amount by the respective officers or boards who were authorized to issue such outstanding bonds; provided, however, that such new bonds shall only be issued when the existing bonds can be retired or paid by the substitution of new bonds or by money realized thereon, in the place and stead of existing bonds, bearing a lower rate of interest than the bonds so authorized to be retired or paid. All bonds taken up by new bonds, or paid under the provisions of this act, shall be immediately canceled and destroyed; and a certificate shall be made and filed in the county clerk's office of the bonds destroyed, and, also, of the new bonds issued. This act shall not be so construed as to authorize the issue of new bonds to supersede or pay existing bonds which have been adjudged invalid by the final judgment of a competent court; and the officers and boards referred to in this act shall include the successors in office of those who originally issued the outstanding bonds.

Bonds taken up to be canceled.

Act, how construed.

§ 2. This act shall take effect immediately.

CHAP. 13.

AN ACT to amend chapter three hundred and twelve of the laws of eighteen hundred and sixty-one, entitled "An act to revise, amend and consolidate the several acts relating to the village of Sag Harbor," and the several acts amendatory thereof.

PASSED February 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 28, of chapter 312, laws of 1861, amended.

SECTION 1. Section twenty-eight of chapter three hundred and twelve of the laws of eighteen hundred and sixty-one, entitled "An act to revise, amend and consolidate the several acts relating to the village of Sag

Harbor," as amended by chapter seven hundred and three of the laws of eighteen hundred and seventy, is hereby further amended so as to read as follows:

Trustees to make out highway tax.

§ 28. The trustees shall, within seventy days after the annual corporation meeting, and after the correction of the assessment roll for the levying of the annual tax for village purposes, whenever an annual tax is to be so levied, make out a highway tax according to the statute providing for the raising of highway taxes by commissioners of highways, except as otherwise herein provided, and not inconsistent with the provisions of this act. They shall, in proportioning highway assessments upon the estate, real and personal, of the inhabitants of the village and upon the lands of non-resident owners therein, assess the same as shall appear by the assessment roll of the same year after the same shall have been corrected; provided that whenever an assessment for other taxes is not for any reason to be made, then the assessment roll of the next previous year is to be used; and, if practicable, the said highway assessment shall be made out in connection with the annual assessment roll, and the same shall be included in the warrant of the collector of the corporation and collected by him, and who is hereby authorized to enforce payment thereof as for other taxes, and the moneys when collected to be paid over by him to the treasurer of the village in like manner as other taxes, taking separate receipts therefor. The trustees may add the names of persons left out and of new inhabitants from time to time, and they shall be assessed in proportion to their real and personal estate as others are assessed. Said highway moneys shall be subject to the draft of the trustees, to be by them expended by contract or otherwise, in improving the highways, streets, bridges and public landing places, within the village, and for the necessary expenses incurred in protecting the same from obstructions or encroachments, but for no other purpose whatsoever. Upon ascertaining the whole number liable to be assessed, the trustees may assess, not exceeding twice the number of days as there may be persons liable to said tax, and a day shall be assessed at sixty cents; and whenever the amount assessed on the inhabitants shall in consequence of obstruction by snow or from any other cause, be deemed by them insufficient to keep the roads in repair, and to open the roads, streets and walks when obstructed by snow, or from any other cause of sufficient width for use, they may make another assessment on the actual residents of said village in the same proportion as near as may be, and not exceeding one-third the number of days assessed in the same year by them, and the tax so assessed shall be collected, and the moneys expended for the special purposes for which it shall have been assessed, and for no other. The trustees shall also have the power and perform all the duties required by law of boards of supervisors as to assessing the lands of residents, non-residents, and of persons unknown for arrearages for highway taxes due thereon, which shall be returned to them by the collector of the corporation as provided in this act, and to apply the said taxes when collected as by law required.

Tax, how apportioned.

Proviso.

Payment of tax, how enforced.

May add new names.

Highway moneys subject to draft.

Number of days to be assessed, and at what rate.

Power of trustees as to assessing non-resident lands.

Sec. 29 amended.

§ 2. Section twenty-nine of said act as amended by chapter one hundred and fifty-one of the laws of eighteen hundred and sixty-seven is hereby further amended so as to read as follows:

Powers of street commissioner.

§ 29. The street commissioner shall have the same powers, perform all the duties and be liable to the same penalties, as overseers of highways, except as otherwise provided by, and not inconsistent with, the provisions of this act. It shall be his duty:

To make list of taxable inhabitants.

1. To make out and deliver to the trustees or the president thereof, within sixty days after the annual corporation meeting a list subscribed by him of the names of all the inhabitants in the village who are liable to be assessed for the highways, and thereafter, from time to time, the names of persons left out of such list (if any), and of new inhabitants to be added to the highway assessment roll of the current year by the trustees.

To have care of streets.

2. He shall have the general care of the highways and streets of the village, and report to the trustees, from time to time, as to their condition, and where repairs thereon are needed, and make such repairs and improvements thereon as the trustees shall, from time to time, direct. He shall also report to the trustees all violations of the laws and ordinances relating to the highways of the village when known to him, and for any services he may render not otherwise provided for, he shall be entitled to such compensation as the trustees shall deem reasonable.

To report violation of laws, etc.

Sec. 48 amended.

§ 3. Section forty-eight of said act is hereby amended so as to read as follows:

Powers and duties of collector.

§ 48. The collector of the corporation shall collect all taxes for which the warrant of the trustees shall be delivered to him, for which purpose he shall possess the same power, proceed in the same manner, and be entitled to the same compensation as collectors of the adjoining towns, and pay over all moneys collected by him to the treasurer within the time limited in his warrant. He shall, on the second Monday next preceding the time of holding the annual meeting of the inhabitants within the year for which he is elected or appointed, render to the trustees or the president thereof a return in writing corresponding to that heretofore required to be made by the street commissioner; such return shall be accompanied by the affidavit of the collector, and shall show:

To make return under oath.

What return must show.

1. The total number of persons assessed; the total number of days assessed; the total amount assessed; the total amount collected and the total amount uncollected.

2. The names of all residents assessed whose assessments are uncollected and the amount assessed to each.

3. A list of all the lands of non-residents and of persons unknown, and the amount assessed to each; which said return, as far as the same relates to assessments of lands of non-residents and of persons unknown, shall as to said village be in lieu of the return required by law to be made by overseers of highways to supervisors of towns.

§ 4. This act shall take effect immediately.

CHAP. 14.

AN ACT to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and to consolidate therewith the several acts in relation to the charter of said city.

PASSED February 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," is hereby amended so as to read as follows:

TITLE I.

BOUNDARIES AND CIVIL DIVISIONS.

Corporate name.

§ 1. The inhabitants of that portion of the territory of this state, heretofore known as the city of Rochester, shall continue to be a body politic and corporate, by the name of "The City of Rochester," with the powers and privileges conferred by the statutes of this State upon corporations as well as those conferred by this, the charter of said city.

Boundaries.

§ 2. The boundaries of said city shall be as follows: Beginning at a point in the present town of Irondequoit, at a point in the middle of the Ridge road, eight chains and seventy-five links distant, and easterly from the top of the east high bank of the Genesee river; thence south fifteen minutes east, to the south line of the highway known as Norton street; thence easterly along the south line of said highway (or Norton street) to the highway running south-easterly through the north-easterly corner of lot number forty-eight in said town; thence south-easterly along the south-westerly line of said highway to the south line of lot number fifty in said town, where the same intersects the west line of the highway commonly called the Culver road; thence southerly along the west line of said highway (or Culver road) to the north line of University avenue; thence easterly on a line in continuation of the north line of said University avenue, to the east line of the Culver road; thence southerly along the east line of the Culver road, and in said line continued, to the south line of the highway known as East avenue; thence westerly along the southerly line of East avenue to the west line of the Culver road; thence southerly along the west line of the Culver road, and in said line produced, to the north line of town lot number forty-five of the town of Brighton; thence westerly along the north line of said town lot number forty-five, and of town lot number fifty-three to the north-east corner of lot number sixty-one; thence southerly along the east line of said lot number sixty-one to the intersection thereof with the south line of what was formerly called the Pinnacle road, but now called Highland avenue; thence westerly along the south line of said Highland avenue to the east line of the highway known as South avenue;

thence southerly along the east line of said South avenue to the north line of (what was formerly known as the Poor-house road, but now called) Elmwood avenue; thence westerly along the north line of said Elmwood avenue, and on said line produced, to the west bank of the Genesee river; thence northerly along the west bank of said river to the south line of the town of Gates; thence westerly along the south line of the town of Gates, to a point on the south line of lot forty-six in said town, which would intersect the east line of lots seventy-five, seventy-six and one hundred and sixty-eight in said town of Gates, if produced southerly to the south line of the said town; thence northerly on the east line of lots seventy-five, seventy-six and one hundred and sixty-eight produced to the south line of lot number twenty-two in said town; thence westerly on the south line of said lot number twenty-two to the east line of the highway known as the Thurston road; thence northerly on the east line of said highway to the north line of lot number twenty-two; thence easterly on the north line of said lot number twenty-two to a point intersected by the east line of lot number one hundred and sixty-eight produced southerly to the north line of lot number twenty-two; thence northerly on the east line of said lot number one hundred and sixty-eight produced south, to the east line of lot one hundred and sixty-eight and along the east line of lots one hundred and sixty-eight, seventy-six, seventy-five, seventy-four and seventy-three, in the town of Gates, and continued on the east line of lots seventy-two, seventy-one and seventy, in the town of Greece, to a point twenty rods north of the center of the highway in the town of Greece known as the Big Ridge road; thence easterly in a line parallel with the center of said road and twenty rods distant northerly therefrom and on said line produced to the top of the east high bank of the Genesee river; thence southerly along the top of said bank to a point due west from the place of beginning; thence easterly to the place of beginning.

Corporate name and powers.

§ 3. The inhabitants of said city shall be a corporation by the name of "The City of Rochester," and may sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure, and may receive by gift, grant, devise, bequest or purchase, and hold and convey such real and personal estate as the purposes of the corporation may require, whether such real estate be situate within or without the limits of said city; and such real estate may be incumbered by mortgage, as the common council shall direct, subject only to the approval of the mayor, according to the provisions of this charter in relation to acts of the common council of a legislative character. But no real estate shall be so received lying without the limits of the city, unless it be adjacent to the city except as otherwise provided. The jurisdiction of said city shall extend to and over all real estate so received, and all laws relating to the said city, and all rules, regulations and ordinances of said city shall apply to such real estate as fully as if the same were situate within the city limits. But nothing in this section shall impair or limit any powers conferred upon the executive board of the said city, or the purchase of any real estate for or in connection with the water-works of the said city.

Jurisdiction.

§ 4. The said city shall be divided into sixteen wards, as follows:

FIRST WARD.

First ward.

All that part of the said city included within a line beginning at a point in the center of the Genesee river and of the Erie canal · thence

running westerly along the center of the Erie canal to the center of Allen street; thence easterly along the center of Allen street to the center of State street; thence southerly along the center of State street to the center of Mumford street; thence easterly along the center of Mumford street to the center of the Genesee river; thence southerly along the center of the Genesee river to the place of beginning, shall constitute the first ward.

SECOND WARD.

Second ward. All that part of the said city included within a line beginning at the center of the Genesee river and of Mumford street; thence running westerly along the center of Mumford street to the center of State street; thence northerly along the center of State street to the center of Allen street; thence westerly along the center of Allen street to the center of the Erie canal; thence northerly along the center of the Erie canal to the center of Jay street; thence easterly along the center of Jay street and the center line thereof continued easterly to the center of the Genesee river; thence southerly along the center of the Genesee river to the place of beginning, shall constitute the second ward.

THIRD WARD.

Third ward. All that part of said city included within a line beginning at a point in the center of the Genesee river and of the Erie canal; thence running westerly along the center of the Erie canal to the center of the Genesee Valley canal; thence southerly along the center of the Genesee Valley canal to the south line of the Strong tract; thence along the south line of the Strong tract to the center of the Genesee river; thence northerly along the center of the Genesee river, to the place of beginning, shall constitute the third ward.

FOURTH WARD.

Fourth ward. All that part of said city included within a line beginning at a point in the center of the Genesee river and of East Main street; thence running easterly along the center of East Main street to the center of East avenue; thence along the center of East avenue to the center of William street; thence southerly along the center of William street to the center of Howell street; thence westerly along the center of Howell street, and the center line thereof continued westerly to the center of the Genesee river; thence northerly along the center of the Genesee river to the place of beginning, shall constitute the fourth ward.

FIFTH WARD.

Fifth ward. All that part of the said city included within a line beginning at a point in the center of East Main street and of the Genesee river; thence running northerly along the center of the Genesee river to the north boundary of the city; thence easterly and southerly along the boundary line of the city to the center of Clinton street; thence southerly along the center of Clinton street to the center of East Main street; thence westerly along the center of East Main street to the place of beginning, shall constitute the fifth ward.

SIXTH WARD.

Sixth ward. All that part of the said city included within a line beginning at a point in the center of North street and the New York Central railroad track, running thence westerly along the center of said railroad track to a point in a line with the center of Nassau street; thence westerly along the center of Nassau street and in a direct line continued to the center of Clinton street; thence southerly along the center of Clinton street to the center of East Main street; thence easterly along the center of East Main street to the center of North street; thence northerly along the center of North street to the place of beginning, shall constitute the sixth ward.

SEVENTH WARD.

Seventh ward. All that part of the said city included within a line beginning at a point in the center of East avenue and William street; thence running southerly along the center of William street to the center of Howell street; thence westerly along the center of Howell street, and the center line of Howell street continued westerly, to the center of the Erie canal; thence easterly along the center of the Erie canal to the east boundary line of the city; thence northerly along the boundary line of the city to the center of East avenue; thence westerly along the center of East avenue to the place of beginning, shall constitute the seventh ward.

EIGHTH WARD.

Eighth ward. All that part of the said city included within a line beginning at a point in the center of Brown street and of the Erie canal; thence running southerly along the center of the Erie canal to the center of the Genesee Valley canal; thence southerly along the center of the Genesee Valley canal to the south line of the Strong tract; thence easterly along the south line of the Strong tract to the center of the Genesee river; thence southerly along the center of the Genesee river to the south boundary line of the city; thence westerly and northerly along the boundary line of the city to the center of West Main street; thence easterly along the center of West Main street to the center of Brown street; thence easterly along the center of Brown street to the place of beginning, shall constitute the eighth ward.

NINTH WARD.

Ninth ward. All that part of the said city included within a line beginning at a point in the center of Jay street and the Erie canal, and running thence easterly along the center of Jay street, and Jay street continued to the center of the Genesee river; thence northerly in the center of the Genesee river to the north boundary of the city; thence westerly and southerly along the boundary of the city to the center of the Erie canal; thence south-easterly along the center of the Erie canal to the place of beginning, shall constitute the ninth ward.

TENTH WARD.

Tenth ward. All that tract of the said city included within a line beginning at a point in the center of East Main and North streets; thence running

easterly along the center of East Main street and East avenue to the east boundary line of the city; thence northerly and westerly along the east and north boundary lines of the city to a point in a line with the center line of Scio street continued northerly; thence southerly through the center of Scio street to the center of East Main street; thence westerly along the center of East Main street to the place of beginning, shall constitute the tenth ward.

ELEVENTH WARD.

All that part of the said city included within a line beginning at a point in the center of Brown street and the Erie canal, and running thence along the center of the Erie canal, north-westerly to the west boundary of the city; thence southerly along the west boundary to the center of West Main street; thence along the center of West Main street easterly to the center of Brown street; thence easterly along the center of Brown street to the place of beginning, shall constitute the eleventh ward. Eleventh ward.

TWELFTH WARD.

All that part of the said city included within a line beginning at a point where the center line of Howell street continued westerly intersects with the center of the Genesee river; thence running easterly along the center line of Howell street continued to the center of the Erie canal; thence along the center of the Erie canal to the east boundary of the city; thence southerly and westerly along the boundary of the city to the center of the Genesee river; thence along the center of the Genesee river to the place of beginning, shall constitute the twelfth ward. Twelfth ward.

THIRTEENTH WARD.

All that part of the said city included within a line beginning at a point in the center of North street and the New York Central Railroad track, running thence westerly along the center of the New York Central Railroad track to a point in a line with the center of Nassau street; thence easterly along the center of Nassau street, and in a direct line continued to the center of said Clinton street; thence northerly along the center of Clinton street to the north boundary line of said city; thence easterly along the boundary of the city to the center of North street; thence southerly along the center of North street to the place of beginning, shall constitute the thirteenth ward. Thirteenth ward.

FOURTEENTH WARD.

All that part of said city included within a line beginning in the center of East Main and North streets; thence running northerly along the center of North street to the boundary line; thence easterly and southerly along the boundary line of the city to a point which would be intersected by continuing the center line of Scio street northerly; thence southerly through the center of Scio street to the center of East Main street; thence westerly along the center of East Main street to the place of beginning, shall constitute the fourteenth ward. Fourteenth ward.

FIFTEENTH WARD.

Fifteenth ward.

All that part of the city lying west of the center of the Genesee river, and not included in either of the above described fourteen wards, shall constitute the fifteenth ward.

SIXTEENTH WARD.

Sixteenth ward.

All that part of the said city lying east of the center of the Genesee river, and not included in either of the above described fifteen wards, shall constitute the sixteenth ward.

"Boundaries" in description of wards defined.

§ 5. Whenever the boundaries of the city are referred to in the above description of wards, the boundaries as they were before the passage of the act entitled "An act to amend the charter of the city of Rochester, and to extend its boundaries," passed May nineteen, eighteen hundred and seventy-four, are intended. And the provisions of the ninth section of that act are hereby continued in force, in these words, namely:

Territory taken from certain towns exempt from payment of city debt, etc.

The territory taken from the towns of Irondequoit, Brighton, Gates and Greece, and the personal property of the inhabitants thereof now residing thereon, included within the enlarged city boundaries, so long as they shall continue to reside thereon, shall be exempt from the payment of any part of the present city debt which was contracted for bounties for soldiers or for the relief of soldiers' families, or for the construction of water-works, or which may hereafter be contracted for the construction or completion of water-works or any interest that may accrue thereon under and by virtue of chapter three hundred and eighty-seven of the Laws of eighteen hundred and seventy-two, or for the expenses of lighting the city, or for the debts embraced in what are known as the "deficiency bonds" of the city. Whenever, however, a majority of the tax-payers on a street within the territory so annexed shall petition for the extension of the water mains or lamps upon such street for their benefit, the taxable property and residents on said street shall become jointly liable upon their assessments in said territory with the old territory of said city for such portion of the water debt, if they petition for water mains, as may then remain unpaid, or if they petition for lights their proportion for lighting said city. And it is hereby further provided that the towns from which the territory hereby annexed to the city of Rochester is taken shall be released from the support of all paupers who are actual residents upon the territory so taken, and they shall thereupon become a charge upon the city of Rochester. The assessors of said city are hereby required to prepare an assessment roll for each of said new wards created by this act and deliver to the supervisors of said wards for the use of the board of supervisors of Monroe county on or before the first day of October, eighteen hundred and seventy-four.

When to become liable.

Released from support of paupers.

Assessors to prepare roll.

TITLE II.

ELECTION AND APPOINTMENT OF OFFICERS.

Officers to be elected or appointed.

§ 6. The officers of the said city shall be one mayor, one treasurer, three members of the executive board, two judges of the municipal court, one police justice, one supervisor for each ward, one alderman for each ward, one constable for each ward and one commissioner of common schools for each ward; all to be elected by the electors of the city by ballot as hereinafter provided; one city clerk, one city attor-

ney, one overseer of the poor, three assessors, one sealer of weights and measures, one city surveyor, two police commissioners and one police clerk, to be appointed as hereinafter provided; and such other officers as are by this charter or other law to be elected or appointed.

Annual election.

§ 7. An election shall be held in each ward annually on the Tuesday next after the first Monday in March, at such places as shall be designated by the common council, of which a notice shall be published by the city clerk for at least six days next previous to the election, in all the daily newspapers of the city, at which election there shall be chosen by the electors of the city voting in their respective wards, as often as the terms of office of the then incumbents shall expire within the year after such election, one mayor, who shall hold his office for two years, one police justice, who shall hold his office for four years, one treasurer, who shall hold his office for two years; and, also by the electors of each ward, one supervisor, whose term of office shall be the same as that of the supervisors from the towns of Monroe county, and the terms of office of the supervisors now in office in the said city shall end at the same time as the terms of the town supervisors now in office; one constable, who shall hold his office for one year, and, also, in those wards in which the terms of office of the then incumbents shall expire within the ensuing year after such election, one alderman for each ward who shall hold his office for two years, and one commissioner of common schools, who shall hold his office for two years.

Terms of office.

Treasurer to give bond.

The city treasurer shall not be entitled to enter upon his office until he shall have executed and filed with the mayor a bond in the penal sum of fifty thousand dollars, or such other sum as the common council may have fixed, with good and sufficient sureties approved by the mayor in writing thereon, and conditioned for the faithful performance of all his duties as treasurer, and of all duties imposed upon him by law in respect to the money, property and affairs of the said city. The execution of such bond by the treasurer and sureties shall be duly acknowledged or proved so as to entitle it to be read in evidence, and it shall be the duty of the mayor to cause such bond to be recorded in the Monroe county clerk's office; and a copy of such bond as so recorded, certified by the said county clerk, shall be as good evidence in all courts and places as the original bond, which shall be safely kept by the mayor after being recorded as aforesaid.

Execution of bond to be acknowledged and recorded.

Common council to appoint city clerk, etc.

§ 8. The common council, in the month of April, on or after the first Monday thereof, in the year one thousand eight hundred and eighty, and in every second year thereafter, shall appoint one city clerk, one city surveyor, and one overseer of the poor, each of whom shall hold his office until the first Monday of April in the second year after his appointment in April, and until his successor shall have been appointed and qualified. And whenever a vacancy shall happen in either of the said offices mentioned in this section, the common council shall appoint a person to fill such vacancy for the unexpired term.

Vacancies, how filled.

Terms of office of city clerk, etc.

The terms of office of the present city clerk, city surveyor and overseer of the poor shall expire on the first Monday of April, in the year one thousand eight hundred and eighty, but each shall hold over until his successor shall have been appointed and qualified.

City attorney.

In the month of May, in the year one thousand eight hundred and eighty, and in every second year thereafter, the common council shall appoint one city attorney, who shall hold his office for two years, from and including the first day of June next after his appointment in May, and until his successor shall be appointed and qualified. And in case of

a vacancy in such office, the common council shall appoint a person to fill such vacancy for the unexpired term. The term of office of the present police clerk shall terminate on the first Monday of May next after this charter takes effect, but he shall hold over and continue in office until his successor shall be appointed and qualified; and thereafter the tenure of office of the police clerk shall be the same as that of policemen. Every year, on or after the first Monday of April, and before the first day of May, the common council shall appoint, by a concurring vote of two-thirds of all the aldermen, one commissioner of Mount Hope cemetery (as successor to the commissioner whose term of office expires that year), who shall hold his office for three years, commencing on the first day of May next after his appointment in April, and the term of office of each of the present commissioners of Mount Hope cemetery, respectively, shall continue to, and terminate on, the first day of May next after the appointment of his successor in April. Every vacancy shall be filled for the unexpired term by a like two-thirds vote of all the aldermen. The common council, in the month of December, every year, shall appoint one assessor, who shall hold his office for three years, from and including the first day of January next after such appointment; in case of a vacancy in the office the common council shall, as soon as practicable, appoint an assessor to fill such vacancy for the unexpired term. In case a vacancy shall occur in the office of any incumbent appointed by the common council for a specified term, such vacancy shall be filled by appointment by the common council for the unexpired term, except as may be otherwise expressly provided by law. The common council shall, from time to time, appoint and at pleasure remove, one fire marshal, one sealer of weights and measures, and so many pound masters as it may deem necessary, and each of which officers shall hold his office during the pleasure of the common council.

Police clerk, term of office of.

Commissioners of Mount Hope Cemetery.

Vacancy, how filled.

Assessor.

Fire marshal, etc.

§ 9. The board of health of said city authorized under chapter three hundred and twenty-four of Laws of eighteen hundred and fifty, shall consist of six persons, besides the mayor, of whom at least two shall be physicians of at least five years' standing, and graduates of a regular medical college. They shall be appointed by the mayor and confirmed by the common council. Of those appointed in eighteen hundred and seventy-six, two shall hold for one, two for two, and two for three years, and thereafter for three years or the balance of any unexpired term. The mayor of the city shall be ex-officio president of said board. Said board of health shall appoint its own health officer, who shall hold office at its pleasure, and shall receive a salary to be fixed by the common council. Such officer must be a graduate of some regular medical college, and a physician of at least five years' standing. Such board of health, in addition to the other power, conferred by law, shall have the power, by a vote of a majority of said board, to cause any person sick of any dangerous, infectious disease to be removed to any proper hospital when, in its opinion, the public health requires. It shall be an advisory board as to the proper ventilation of public city buildings, and in case any public school or other public city building is in process of erection without proper facilities for ventilation, in the opinion of such board, it may stop the erection of such building until the action of the common council can be had, and the common council shall have power to direct proper facilities for ventilation to be furnished, and to restrain further work until such facilities are furnished. The common council shall elect, by ballot for one year, not less than four nor more than six city physicians,

Board of health.

How appointed.

President of.

Health officer.

Powers of.

Physicians to the poor.

who shall be graduates of some regular medical college, and be of at least two years' standing, who shall receive salaries to be fixed by the council, and shall attend, gratuitously, the poor of the city who are unable to hire physicians, under the direction of the poor committee of the common council.

Limitation as to contracting debts.

§ 10. The board of health shall not have any power to make any expenditure or contract any debts or liability in any year beyond the amount raised and appropriated for the board of health for that year; and the provisions of the said general statute, so far as inconsistent with the provisions of this charter, shall not apply to the city of Rochester.

Removals from office.

§ 11. The city treasurer, overseer of the poor, and any assessor, may each be removed from office by the common council for official misconduct, or for neglect or unfaithful performance of the duties of his office; but notice of the charges, and an opportunity of being heard in defense, shall first be given.

Police department.

§ 12. The police department of the city of Rochester shall be under the general control and management of police commissioners thereof, who shall consist of the mayor and two other suitable persons, and constitute a board of police, in the manner following, namely:

Commissioners.

1. The said commissioners, beside the mayor, shall consist of Frederick Zimmer, and Jacob Howe, Junior, who, respectively, shall hold office, the said Frederick Zimmer for the term ending on the first day of April, A. D. eighteen hundred and eighty-one, and said Jacob Howe, Junior, for the term ending on the first day of April, A. D. eighteen hundred and eighty-three, unless a vacancy in such office should sooner occur, by death, resignation or removal.

Terms of office of commissioners and how appointed.

2. At the expiration of the said respective terms of office, the full terms thereafter shall be successively of four years each; and within the month of March next preceding the expiration of every term, and whenever any vacancy shall occur in such board (except vacancy in the office of mayor), the common council, by a vote of at least three-fourths of all the aldermen elect, shall appoint, from among the electors of said city, a commissioner or commissioners, as the case may be, to fill the present or impending vacancy, which appointments respectively shall be for the then ensuing term of four years, except in case of appointments to fill vacancy in an unexpired term, when such appointments shall be for the then residue of such unexpired term; and upon specific charges being preferred, the common council, by a like vote, shall have power to remove from office any such commissioner, except the mayor, after giving to such commissioner a copy of the charges against him, and an opportunity of being heard in his defense; and all such appointments of commissioners of police shall be so made that the two principal political parties shall always be represented by the two appointed commissioners respectively.

Powers of commissioners and police clerk.

3. Such commissioners and the police clerk severally shall have power to make arrests and serve criminal process within Monroe county, and to enforce the laws of the State relating to the police thereof, in the same cases and in like manner as constables are now authorized by virtue of their office. The said commissioners and clerk shall also each have power to issue subpœnas attested in the name of its president, to compel the attendance of witnesses upon any proceedings authorized by this act, and by said rules and regulations. Each commissioner of police and the clerk of the board of police is hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any deposition necessary to be made under

the rules and regulations of the board of police, or for the purposes of this act, and any willful or corrupt false swearing by any witness or person to any material fact in any necessary proceeding under the said rules and regulations of this act shall be deemed perjury, and be punished in the manner now prescribed by law for that offense; and in case any person subpœnaed under this section shall fail or refuse to obey such subpœna, or refuse to take, when required, the proper oath or affirmation, or to answer any proper question, the commissioner shall then have the same power to compel attendance and punish disobedience as justices of the peace in like cases. And said commissioners and the mayor shall constitute the board of police for said city, of which board the mayor shall be president, and any two members shall form a quorum for the transaction of business, and such board may adopt rules and by-laws for the government thereof, and also may establish, promulgate and enforce proper rules, regulations and orders for the good government and discipline of the whole force, and cause a suitable number of copies thereof to be printed for the use of the department; provided that such rules, regulations or orders shall not conflict with any of the provisions of this act, or with the constitution or laws of this State or the United States.

Board of police.

Oath of office, and times and place of meeting.

4. The said commissioners of police, when entering upon the duties of their office respectively, shall take upon themselves the usual oath of office, and shall meet at the mayor's office or other suitable place, at such times as may be expedient, and as they shall from time to time designate, and on special occasions, as the mayor may appoint in writing, notice of which shall be served on such commissioners personally, or be left at the place of residence or business of such commissioners respectively; and if any of said commissioners should be elected to and accept the office of mayor, then the common council shall proceed as in the case of a vacancy, except in case of re-election of the mayor; and no alderman shall be eligible for appointment to the office of police commissioner, and any commissioner except the mayor, who shall be publicly nominated for, or appointed to, any political office, and shall not, within ten days after being notified thereof, publicly decline the same, shall be deemed to have vacated his office of said commissioner. The said commissioners of police, other than the mayor, shall receive an annual salary of five hundred dollars, to be paid quarterly, as part of the current expenses of the police department.

Salary.

Police force.

5. For the purpose of providing a permanent and effective police force, it shall be the duty of said board of police, as often as vacancies may occur, to select from among the electors of said city, and unanimously appoint by warrant of appointment, bearing the signature of all three of said commissioners, and to be immediately filed with the city clerk, one police clerk and so many permanent policemen as they may deem necessary, provided that the members so holding appointment and in service shall not exceed seventy-five at any one time, except as hereinafter otherwise specified, and said board shall, in like manner, also appoint one chief of police, through whom such board may promulgate all rules, regulations and orders to the whole force, and who shall have the immediate direction and control of said force, subject, however, at all times to the rules, regulations and orders of said board and to the orders of any member thereof, provided that the orders of such single commissioner do not conflict with the rules, regulations or orders of said board then in effect; and such chief, police clerk, and each policeman appointed in the manner aforesaid

Chief.

Powers of.

shall hold his office during the pleasure of said board of police, but the place of the chief, police clerk, or any policeman may be declared vacant or the incumbent discharged, at any time, by the concurring votes of all the members of the board and not otherwise, except that the chief, police clerk or any policeman may be removed or discharged for cause by a majority vote of the board, provided charges shall have been preferred against him, and an opportunity afforded him to disprove the same; and in case of a reduction of the number of policemen by order of the common council, at any time, as hereinafter provided, a majority only of the police board shall be necessary to discharge, severally or collectively, a sufficient number to effect such reduction. In case said board, by reason of disagreement or otherwise, should at any time fail to appoint, in the manner above specified, such chief of police or necessary policeman,* then a majority of such board may nominate and with the approval of the common council by a concurring vote of at least two-thirds of the aldermen elected, may appoint such chief, police clerk or policeman,* and upon a warrant of appointment thereof duly filed, shall appear the approval of the common council properly certified by the clerk, and all such appointments shall have the same effect as if made by the unanimous action of the board in the manner hereinbefore provided.

Removals from office.

Chief and policemen in case of disagreement, how appointed.

6. The common council may at any time by a vote of at least three-fourths of the aldermen elected, increase the number of permanent policemen, who shall be appointed in the manner hereinabove provided; and such common council may also, in case of emergency, from time to time, by the concurring vote of the majority in session, designate a suitable number of additional or temporary policemen, to be appointed in manner above provided, for such time as said common council shall determine, due notice of which shall be immediately given by the clerk to said board of police; and if at any time, by reason of disagreement or otherwise, said police commissioners should fail to appoint in either manner hereinbefore provided such chief of police, or the number of policemen necessary for the protection and safety of the said city, then the common council, by a vote of at least three-fourths of the aldermen elected, may appoint such chief or policemen to serve until said commissioners shall have agreed or duly made such appointments in manner hereinbefore provided, notice of which appointments shall be given by the clerk to said common council at the next meeting thereof. And in times of great exigency, admitting of no delay, said commissioners, or a majority of them, or any one of them, if the others should be absent from the city or unable to act, may also appoint, temporarily, without direction from the common council, a suitable number of additional policemen for such time as shall appear necessary, not, however, to extend beyond the time of the next ensuing regular or special meeting of the common council. The common council, by a concurring vote of a majority of all the aldermen may, from time to time, and at any time, without the approval of the mayor, order the number of policemen to be reduced to any number not less than seventy-five; and in such case the board of police commissioners shall have power, and it shall be their duty, within ten days after the adoption of the order by the common council, to discharge so many policemen as shall be necessary to effect such reduction; and if the police commissioners fail so to do the common council, after the expiration of such ten days, shall have power, and

Number of policemen may be increased.

Temporary appointments on police force.

Number of policemen may be reduced.

*So in original.

it shall be their duty, to discharge so many policemen as will effect the reduction ordered.

Power to suspend.

7. The mayor or any one of said commissioners, at any time, upon charges being preferred, or upon finding said chief or any other member of the police force guilty of misconduct, shall have power to suspend such member from service until the board of commissioners shall convene and take action in the matter; provided, however, that such member shall not remain so suspended for a longer period than thirty days without an opportunity of being heard in his defense; and upon hearing the proofs in the case a majority of such commissioners may discharge or restore such members in accordance with the decision of the majority of such board thereon; and the pay or salary of any member shall cease from the time of suspension to the time of restoration to service, unless otherwise ordered by said board of commissioners in their written decision, which shall be filed with the clerk; and any violation of the rules, regulations or orders of the board, or orders of any superior, shall be good cause for dismissal.

Salaries.

8. The salary of said chief, police clerk and policemen shall be determined by the board of police during the month of June in each year. The said board of police, in determining the salaries, shall have reference to the amount of money raised by the common council for police purpose for the fiscal year; and the said board of police shall have power to change such salary at any time, with the approval of the common council. The police commissioners shall annually, and on the first day of May, report to the common council the amount of money necessary to pay the current expenses of the police department for the ensuing year.

Warrant of appointment.

9. The said chief of police, police clerk and every policeman duly appointed as aforesaid shall have issued to him a warrant of appointment, signed by the president of the board and countersigned by the city clerk, and stating the date of his appointment, which shall be his commission, and he shall take the proper oath of office and subscribe the same in a book kept for that purpose, and he shall have the same power and authority and duties, and be subject to the same regulations and liabilities as a constable elected in a town, except that the said chief of police and policemen shall not receive nor execute any process in any civil action except the same be issued for a violation of a penal ordinance of said city of Rochester. The said chief of police shall detail one policeman, to be selected by the district attorney of Monroe county, to attend upon each court of oyer and terminer and court of sessions held in and for Monroe county, and such policemen shall be designated, notified and returned by the sheriff of Monroe county to attend said courts, in the same manner in which constables are now designated, notified and returned by him to attend such courts, and shall be paid in the manner constables are paid by law for such service; but such policeman, during such detail, shall be subject to the orders of the district attorney of Monroe county only. The said chief of police and policemen shall, upon request of the district attorney of Monroe county, serve any criminal process issued by him within the limits of the city of Rochester, and the fees allowed by law therefor shall be paid by the county of Monroe to the treasurer of the city of Rochester.

Official oath, powers and duties.

Policeman to attend court.

To serve process for district attorney.

Power to arrest without warrant.

10. The said chief and policemen shall have power and authority respectively to arrest any person or persons by them found violating any of the penal ordinances or laws of said city, and to take such person or persons before the police justice, or any justice of the peace of

said city, to be dealt with in the same manner as if such person or persons had been arrested upon warrant theretofore duly issued by such justice; and it shall be the duty of such chief and policemen, respectively, to enforce any and all of the penal ordinances and laws of said city of Rochester. The said chief of police shall, upon the request of the city clerk, detail one or more policemen, whose special duty it shall be to enforce the penal ordinances of said city, relating to all persons required to take out licenses, and to report without delay, to the city attorney, for prosecution, all violations of said ordinances.

Detail to enforce penal ordinances.

11. The police clerk, appointed by the commissioners, shall act as clerk of said board and also as clerk of the police court, and the annual salary of such clerk shall be fixed by the commissioners at a sum not exceeding one thousand dollars. It shall be the duty of such clerk, under the direction of the board of police commissioners, to keep in a book or books to be provided by said board, a full and careful record of all rules, resolutions, orders and other proceedings of said board of police commissioners, and to perform such other clerical duties as shall be required by said board. He shall keep a docket or book in which shall be entered a memorandum of all process issued by the police justice and of all proceedings had under such process; of all sentences pronounced, and of all fines and penalties imposed by said justice. He shall also keep in a separate book, an accurate account of all moneys which shall come to his hands from any source as such police clerk, and of the disposition which shall be made thereof as hereinafter provided.

Police clerk, salary of, etc.

Docket.

To keep account of moneys, etc.

§ 13. On the day of any elections held by virtue of this act, the polls shall be opened in each ward at the several places designated by the common council, at eight o'clock in the morning, and shall be kept open without intermission or adjournment until five o'clock in the afternoon, at which hour they shall be finally closed.

Polls to be open from 8 A. M. till 5 P. M.

§ 14. Three inspectors of elections for each ward or election district in said city shall be elected and appointed in the manner provided by the general statutes of the State in relation to elections other than for militia and town officers, the provisions of which statutes are hereby declared to be applicable to the said city of Rochester, and to the elections to be held therein under this act, except so far as they may be inconsistent with the provisions of this act.

Inspectors of election.

§ 15. Inspectors of elections, so elected and appointed as aforesaid, shall be inspectors of elections held in said wards or election districts respectively, as well for the election of State and county as of the city and ward officers. And in case of the death, inability or refusal of any such inspector to act, or of his ceasing to be a resident of the ward or election district for which he was appointed or elected, the common council must thereafter appoint another in his or their place, and file a certificate of such appointment with the city clerk, and the person or persons thus appointed shall be inspector or inspectors for the ward or election district for which he or they was or were so appointed. The whole compensation to be paid by said city to said inspectors and their clerk or clerks, for their services as such, and for all stationery used by them, except for necessary books and blanks, shall not exceed the sum of forty dollars for each election held in such ward or election district.

To serve at State and county elections.

Vacancies, how filled.

Compensation.

§ 16. The electors shall vote by ballot, and each person offering to vote, shall deliver his ballot, so folded as to conceal the contents, to one of the inspectors in the presence of the board. The ballot shall be a paper ticket, which shall contain, written or printed, or partly writ-

To vote by ballot.

Form, etc., of ballot.

ten and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any office than there are persons to be chosen at the election to fill such office. On the outside of each ballot, when folded, there shall appear, written or printed, one of the following words: "wards," "city," but no ballot found in the proper box shall be rejected for want of such indorsement.

Ballots, what to contain.

§ 17. The ballot indorsed "city" shall contain the names of persons designated as officers for the city. The ballot indorsed "ward" shall contain the names of persons designated as officers for a ward or election district. The common council shall provide two boxes for each ward or election district, with locks and keys, in which these two kinds of ballots shall be deposited separately.

Term voted for to be stated.

§ 18. If, at any annual election to be held in the said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for, for the said office, is intended, shall be designated on the ballot.

Qualifications of electors.

§ 19. Every person entitled to vote for member of assembly, who shall, for the last thirty days, have been an actual resident of the ward or election district in which he offers his vote, and who is at the time an actual resident of such ward or election district, shall be entitled to vote there, but not elsewhere, for all or any of the officers to be chosen at such election.

Canvass by inspectors.

§ 20. Immediately after the closing of the polls, the inspectors of election shall forthwith, without adjournment, canvass the votes received by them, and declare the result; and shall on the same or next day make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or the next day, with the clerk of the city.

Canvass by common council.

§ 21. The common council of the preceding year shall convene on the Friday next succeeding such election at two o'clock in the afternoon, at their usual place of meeting; and the statement of votes filed with the clerk of the city by the inspectors of elections shall be produced by the said clerk. The common council shall forthwith determine and certify, in the manner provided by law, what persons are duly elected at the said election to the several offices respectively. Such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of Monroe county. All officers elected by the people, according to the provisions of this charter, except supervisors, shall enter upon their respective offices on the first Monday of April next following such election, unless otherwise herein or by law provided. And the period of a year, as applied in this charter to the terms of office and the salaries thereof, shall extend from the first Monday of April in one year to the first Monday of April in the succeeding year, in the cases where the term of office commences on the first Monday of April.

Term of office, when to commence.

Election in case of tie.

§ 22. If, at any election authorized by this act, any officer, except alderman, shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall, by ballot, elect such officer from the two candidates having the highest number of votes.

Vacancy in office of police justice.

§ 23. Whenever a vacancy shall occur in the office of police justice, or of alderman, for any cause, the common council of said city shall

immediately appoint a special election to be held in said city, or in the ward for which such alderman was chosen, not less than five days, nor more than fifteen days from the time of such appointment, unless such vacancy shall occur within three months before the Tuesday after the first Monday in March, in any year, and in such case it shall be optional with the common council to order a special election or not, as it shall deem expedient. tice, etc., how filled.

§ 24. In case a vacancy shall occur in the office of any of the officers before named, except an alderman or police justice, the common council may, when not otherwise provided, in its discretion, fill such vacancy by the appointment of a suitable person who is an elector, and if appointed for a ward, who is a resident of the ward for which he shall be appointed; and any officer, except supervisor, appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment until the first Monday of April next succeeding unless otherwise provided. If an elective officer, whose office shall have become vacant, was one of a class, a successor for the unexpired term shall be elected at the next annual election, except as may in any case be expressly provided. In other cases.

§ 25. Whenever a special election is to be held the common council shall cause to be delivered to the inspectors of election, in the ward and election district in which such election is to be held, a notice signed by its clerk specifying the officer to be chosen and the day and place in the ward, or in the several wards of said city, at which such election is to be held, and the proceedings at such election shall be as at the annual general election. Such notice shall also be published in all the daily newspapers of the city at least once before such special election. On the Friday succeeding such election, the common council of that year shall convene at two o'clock in the afternoon at its usual place of meeting, and the same proceedings shall then and there be had as prescribed in case of the annual election. Notice in case of special election.

§ 26. Every person elected or appointed to the office of mayor, police justice, city clerk, police clerk, alderman, constable, supervisor, treasurer, or commissioner of common schools in the city of Rochester, shall, before he enters on the duties of his office, and within five days after being notified of such election or appointment, take the oath of office prescribed by the constitution of the State before any officer authorized to administer oaths or take affidavits, and file the same with the city clerk; and said police clerk shall also, within said five days, execute a bond to the city of Rochester in the penalty of five thousand dollars, with two sureties to be approved by the mayor of said city, conditioned faithfully to perform the duties of police clerk, and to pay over the moneys, and to make the report hereinafter required, and file the same in the office of the clerk of said city. The city clerk is hereby authorized to administer all oaths and take affidavits and acknowledgments within said city, and to receive the same fees that are allowed to commissioners of deeds for the same services. Official oath. Police clerk to give bond. City clerk may administer oaths, etc.

§ 27. Every person chosen or appointed by the common council to any other office except those enumerated in the last section before he enters on the duties of his office, and within five days after being notified of his election or appointment, shall cause to be filed in the office of the city clerk a notice in writing signifying his acceptance of such office and take the oath of office prescribed by the constitution of this State before any officer authorized to administer oaths or take affidavits, and file the same with the city clerk. Notice of acceptance of office to be filed.

Neglect to take oath, etc., to be deemed refusal to serve.

§ 28. If any person chosen or appointed to any office specified in the last two sections shall not take and subscribe the oath of office and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve.

Clerk to make list of officers who have qualified.

§ 29. At the expiration of ten days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the common council a list of the persons elected or appointed, and of the offices to which they are chosen, therein specifying such as shall have filed with him the oath of office or notice of acceptance required by law, and such as shall have omitted to file the same within the time herein prescribed.

Mayor to report list of officers not giving bonds.

§ 30. The mayor shall report to the common council the names of such constables and other officers as shall have neglected to give the bond of security required by law.

Resignations.

§ 31. Resignation by any officer authorized to be chosen or appointed by this act shall be made to the common council of the city, subject to their approval and acceptance.

Election expenses a city charge

§ 32. The expenses of any election to be held as provided by this act shall be city charges and defrayed in the same manner as other contingent expenses of the city.

TITLE III.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Common council. powers of

§ 33. The aldermen of the city shall constitute the common council thereof. The common council shall determine the rules of its proceedings, judge of the qualifications of its members and have power to compel their attendance. It shall meet at such times and places as it shall from time to time designate, or by general or special order provide, and on special occasions as the mayor shall appoint, in writing, a notice of which appointments shall be served on all the members of the common council, personally, or by leaving the same at the place of residence or business of such member as shall not be personally served. A special meeting may be held at any time upon the request of a majority of the aldermen.

To elect president.

§ 34. The common council shall at its first regular meeting in the month of April in each year, which shall be on the first Monday of April, at three o'clock in the afternoon, unless some other time shall have been designated by the common council, select from its number and appoint a president for the year, and in case of a vacancy, supply his place. The president shall preside at all the meetings of the common council, and have the right to vote on all questions the same as any other alderman. All motions, resolutions, ordinances and propositions submitted to said common council, in respect to which the members present and voting shall be equally divided, shall be deemed to be lost. In case of the temporary absence or inability of the president, the common council shall appoint from their number a temporary president.

Motions, when to be deemed lost.

Who to vote.

§ 35. In all proceedings of the common council each member present shall have a vote. The mayor shall be entitled to be present at all meetings of the common council, but shall have no vote.

§ 36. The sitting of the common council shall be public, except when the public interest shall, in its opinion, require secrecy. The minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times to public inspection. The said board shall prescribe, from time to time, such rules to govern the proceedings as it shall deem advisable. Sittings to be public.

§ 37. Whenever required by two members, the votes of all the members of the common council, in relation to any act, proceeding or proposition had at any meeting, shall be entered at large on the minutes, and such votes shall also be entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act, for taxing or assessing the citizens of the said city, or involving the appropriation of public moneys. When votes to be entered on minutes.

§ 38. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered, nor any appointment be made, except by a concurring vote of a majority of all the members of the common council. In every appointment or election to office by the common council, under this charter, including the appointment of the president of the board, the appointment or election shall be made by the aldermen voting orally and severally, and the name of each alderman with his vote, in each case shall be entered in the minutes of the common council; but this section shall not apply to the appointment of commissioners of deeds, nor in cases where it is otherwise expressly provided by law. Quorum. In making appointments aldermen to vote orally.

§ 39. No member of the common council shall, during the period for which he was elected, be capable of holding, under the appointment or election of the common council, any office the emoluments of which are paid from the city treasury or paid by fees or compensation directed to be paid by any act or ordinance of the common council, nor shall the mayor or any alderman, or school commissioner, or member of the executive board, or of the board of health be directly or indirectly, interested as principal, surety or otherwise in any contract, the expense or consideration whereof is to be paid under any act or ordinance of the common council, or out of the city treasury; but this shall not affect the right to any fees or emoluments belonging to any office. Members of common council not to hold certain offices.

§ 40. The common council shall have the management and control of the fiscal and prudential affairs of said city, and of all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as it shall deem proper and necessary; and further, it shall have power to make, modify and repeal such ordinances, by-laws and regulations as it may deem desirable within the said city for the following purposes: Common council to have control of fiscal affairs.

1. To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages. To prevent vice.

2. To suppress disorderly, gaming and bawdy houses, instruments and devices used for gaming, billiard tables and bowling alleys, and punish gaming. To suppress disorderly houses, etc.

3. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks to be drank in any canal boat, store or other place not duly licensed; and to forbid the selling, or giving to be drank, any intoxicating liquors to any child or young person, without the consent of his or her parents or guardian. Sale of liquors.

4. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money. Games and exhibitions.

Slaughter houses, etc. 5. To direct the location of all slaughter-houses, abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove or abate the same whenever it deems it necessary for the health, comfort and convenience of the inhabitants of said city.

Storing gunpowder. 6. To direct the location of all buildings for storing gunpowder or other combustible substances, and to regulate the sale and use of gunpowder, fire-crackers or fire-works, manufactured or prepared therefrom, or other combustible materials, the exhibition of fireworks, the discharge of fire-arms, the use of candles and lights in barns, stables and other buildings, and to restrain the making of bon-fires in streets and yards.

Cumbering streets, etc. 7. To prevent the cumbering of streets, avenues, walks, public squares, lanes, alleys, bridges, aqueducts, wharves, basins or slips, in any manner whatever.

Horse racing. 8. To prevent and punish horse-racing and immoderate driving or riding in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street.

Route and grade of streets. 9. To determine and designate the route and grades of any railroad to be laid in said city, and to restrain and regulate the rate of speed of locomotives, engines and cars upon the railroads within the said city.

Bathing. 10. To regulate or prohibit bathing in any public water.

Vagrants, etc. 11. To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever.

Pounds. 12. To establish and regulate pounds, and restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding the same.

Dogs, etc. 13. To regulate and prevent the running at large of dogs, and to prevent dog-fights in the streets.

Unwholesome meats, etc. 14. To prohibit any person from bringing or depositing, within the limits of said city, any dead carcass or any other unwholesome or offensive substances, and to require the removal or destruction of such substances, or any putrid meats, fish, hides or skins of any kind, by any person who shall have the same on his premises, and on his default, to authorize the removal or destruction thereof by some officer of the city.

Sidewalks. 15. To compel all persons to keep sidewalks in front of premises owned or occupied by them, clear from snow, dirt, wood and obstructions.

Ringing of bells. 16. To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets.

Infectious diseases. 17. To require the removal, from the populous parts of the city, of all persons having infectious or pestilential diseases.

Burial of the dead. 18. To regulate the burial of the dead, and to compel the keeping and return of bills of mortality.

Markets. 19. To establish order and regulate markets, to regulate the vending of wood, coal or other fuel, meats, vegetables, fruits, fish, poultry, milk and provisions of all kinds, and to prescribe the time and

place for selling the same, and of ascertaining the weight or other quality thereof, and the fees to be paid by butchers for license; provided that nothing herein contained shall authorize the common council to prevent the sale of fresh and wholesome meats by the quarter, within the limits of said city, by farmers who have raised or fattened the same upon their own farms.

Reservoirs.

20. To establish, make, regulate and preserve public reservoirs, wells and pumps, and to prevent the waste of water.

Sextons, etc.

21. To regulate sextons and undertakers for burying the dead, carmen and their carts, hackney carriages and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and to prescribe the fees to be paid by them into the city treasury for license.

Runners, etc.

22. To prevent runners, stage drivers or others from soliciting persons to travel or ride in any stage, omnibus, carriage, boat, or upon any railroad, or to go to any hotel or other place of entertainment.

Lighting streets.

23. To provide for and regulate the lighting of streets and alleys, and the protection and safety of public lamps.

Peddling.

24. To regulate and restrain hawking and peddling in the streets, and to regulate pawnbrokers.

Duties of officers.

25. To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law.

Shade trees, etc.

26. To protect and preserve shade trees in the streets, parks, squares, avenues and alleys of said city, and to cause such trees to be pruned and trimmed so that the same shall not obstruct or prevent the proper lighting of streets.

Breadth of tires.

27. To regulate and prescribe the breadth of tires upon the wheels of wagons, carts and vehicles of heavy draught used upon paved, macadamized or improved streets in said city, provided, however, that this section shall not apply to vehicles used by farmers coming into the city with produce or fuel.

Inspection of weights and measures.

28. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection, and may impose penalties for any violation of any such ordinance.

Harbors, basins, etc.

29. To pass such ordinances as they may think proper and necessary to prevent the harbors, canals, basins and slips in the city from overflowing, and to compel the repair or raising up of the banks, wharves and landing along such harbors, canals, basins and slips, and to prevent the casting therein of any earth or other substances, and to prevent and remove all obstruction therein, and prescribe penalties for the violation of any such ordinance.

Mill-races, bridges, etc.

§ 41. The common council shall have power by ordinance to cause any mill-race within said city to be covered with bridges or arches or otherwise, in the same manner that other public improvements are directed to be made and pursuant to the provisions of title seven of this act so far as the same are applicable. The expense of such improvement may be assessed wholly upon the owners or occupants of such mill-race, or upon such other property as the common council shall deem benefited, or both, in the same manner as other assessments for local improvements.

To compel gas companies to lay mains in streets.

§ 42. The common council shall have power by ordinance or otherwise, to require any gas-light company in said city to lay its mains or gas pipes in any of the public parks, streets, lanes or alleys within the limits of said city, upon making proper and just compensation therefor, and said company is hereby required upon such compensation being made to so extend said mains in pursuance of any ordinance duly passed by said common council, and the said common council may, in its discretion, assess the expenses of said extension upon the property benefited thereby, wholly or partly on said city at large, or both.

Penalties may be imposed for violation of ordinances.

§ 43. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe any penalty, not exceeding one huudred and fifty dollars (except when a penalty is herein otherwise provided for), for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the Monroe county penitentiary, or county jail, for any term not exceeding one hundred and fifty days, which penalties may be sued for and recovered, with costs, in the name of the city of Rochester. And the common council may subject the parent or guardian of any minor, or the master or mistress of any apprentice or servant, to any such penalty for any such offense committed by such minor, apprentice or servant.

When ordinance imposing penalties to take effect.

§ 44. Every ordinance, rule and regulation of the common council imposing a penalty, unless a different time shall be prescribed therein, shall commence and take effect on and not before the tenth day after the day of its adoption or passage by the common council, and shall continue in force until otherwise ordered by the common council. A

Record to be evidence.

record or entry made by the clerk of the said city, or a copy of such record or entry, duly certified by him, shall be prima facie evidence of the time of such adoption or passage; and such record or entry, and all laws, regulations and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto; either:

1. From a copy thereof, certified by the clerk of the city, with the seal of the corporation affixed; or,

2. From the volume of ordinances printed by authority of the common council.

Salaries of mayor, etc.

§ 45. The common council shall annually determine the salary to be paid to the mayor, city treasurer, and police justice, and to any officer appointed by it, except when such officer is not, by the provisions of this act, to receive any salary, or his compensation is otherwise provided for, which salary shall be paid from the city treasury, and shall not be diminished during the then current municipal year,

Not to receive fees to own use.

commencing on the first Monday of April, and neither of said officers shall receive for himself other fees, compensation or perquisites, except that the city attorney may receive for himself the taxable costs in any action brought or defended by him for said city, and in which said city shall prevail, provided the same be collected of the party adverse to said city in such action. Nothing herein shall prevent the common council from compromising, settling, discontinuing or abandoning any action, appeal, matter or proceeding without paying, or incurring any liability for costs to any city attorney.

Accounts of officers to be audited.

§ 46. On the last Thursday in the month of March, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having

ims against the city, or accounts with it, and shall make out a ement in detail of the receipts and expenditures of the corporation ing the preceding year, in which statement shall be clearly and inctly specified, the several items of expenditure made by the com- n council, the objects and purposes for which the same were e, and the amount of money expended under each; the amount of s raised for the general contingent expenses; the amount raised lighting the city, and for police; the amount of highway taxes and sments; the amount of assessments for paving, repairing and ing streets, and for repairing and building bridges; the amount owed on credit of the corporation, and the terms on which the e was obtained, and such other information as shall be necessary a full understanding of the financial concerns of the city, which tement shall be signed by the mayor and clerk, and filed with the k of the city, and the same shall be published by the clerk, at the ex- se of the city, in a newspaper in which the proceedings of the mon council are published. The common council shall, at its t regular meeting in each year, or as soon as practicable, select one ily newspaper, published in said city, for the publication of the ceedings, resolutions, and ordinances of the common council, and the executive board of said city, and all the notices and advertise- nts and proceedings of any of the officers of said city, and of all e committees of the common council during the current fiscal year, vided such publication shall be under and in accordance with the ms of a written contract with the city, theretofore made and exe- ted by the proprietor or proprietors of such newspaper, and the ayor of the city of Rochester under the direction and approval of e common council.

Detailed statement of receipts, etc., to be made.

Official paper.

TITLE IV.

Powers and Duties of City Officers.

§ 47. It shall be the duty of the mayor to take care that the laws of the State and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and to examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient, and, in general, to maintain the peace and good order, and advance the prosperity of the city. In all criminal matters he shall have and possess the same power as a county judge at chambers, and shall have power to administer oaths and take affidavits within said city, and to receive therefor the same fees that are allowed to county judges for the same services.

Mayor, his duties.

In criminal cases.

§ 48. Before any ordinance, resolution or order of the common council concerning any public improvement, or for the payment of money, or any ordinance, resolution or act of a legislative character passed by the common council shall have any force or effect, a transcript of such ordinance, resolution, order or act shall be presented to the mayor for his approval; if he approves he shall indorse his approval thereon in writing, and sign such approval; if he disapproves he shall return such transcript to the common council, or the clerk thereof, with his objections and reasons for disapproval, in writing, which shall be filed by the clerk, and the common council shall, at its next meeting thereafter, proceed to reconsider such ordinances, ordinance, resolution, order or act thus disapproved; and if the same shall

Ordinances, etc., to be presented to mayor.

Veto.

Two-third vote to pass ordinance over veto. If not vetoed or returned in five days to become law.

be passed by two-thirds of all the members of the common cou then in office, the same shall have full force and effect, notwithsta ing the objections of the mayor. If any such transcript with s objections and reasons shall not be returned by the mayor to the c mon council or clerk within five days after the transcript shall h been presented to him (Sundays excepted), such ordinance, resolut order or act shall have full force and effect in like manner as if c approved by the mayor, unless the term of office of the mayor s expire within five days after such transcript shall be presented to h in which case such ordinance, resolution, order or act shall have

To apply to all acts except penal ordinances, etc.

force. The provisions of this section are hereby made applicable all acts, resolutions or orders of the board of education, done passed by said board, and all returns of transcripts, with the appro or disapproval of the mayor and his objections, shall be made to board of education or the clerk thereof. But this section shall apply to any penal ordinance, rule or regulation, nor to any action the common council in relation to appointments to or removals fr office, or to the reduction of the number of policemen.

Official bonds to be deposited with mayor.

§ 49. All official bonds of said city, except as may be otherwise p vided by law, shall be deposited with the mayor of the city for sa keeping, and it shall be his duty to deliver the same to his successor office.

Aldermen, duties of.

§ 50. It shall be the duty of every alderman in said city to atte the regular and special meetings of the common council; to act up committees when thereunto appointed by the common council; order the arrest of all persons violating the laws of the State, or t ordinances, by-laws or police regulations of the city; to report to t mayor all subordinate officers who are guilty of any official miscondu or neglect of duty, and to aid in maintaining peace and good order.

Powers of mayor, etc., in criminal cases.

§ 51. The mayor and aldermen of the city, by virtue of the offices, shall have and exercise all the power and authority of justic of the peace in criminal cases, and in enforcing the laws of this Sta relating to the police thereof, and as such may be members of cour of special sessions in and for the county of Monroe, but shall have n jurisdiction in civil cases other than such as by this act shall be e pressly conferred upon them.

Supervisors, powers of.

§ 52. The supervisors elected as hereinbefore provided shall ha and exercise all the powers, authority and functions of supervisors towns, except as herein otherwise provided, and shall be members the board of supervisors of the county of Monroe, and shall be entitle to the same compensation, to be paid in the same manner.

Assessors, powers of.

§ 53. The assessors appointed as hereinbefore provided shall perfor all the duties required of assessors in relation to the assessment c property in said city, for the purpose of levying taxes imposed by th supervisors of Monroe county, and of levying taxes and assessment imposed by the common council.

Return of jurors to be made.

§ 54. The supervisors of the said city, with the assessors, shall mak out and return to the county of Monroe a list of persons to serve a petit jurors and as grand jurors in the several courts held in th county of Monroe, at the same time and in the same manner as pre scribed by law in relation to the supervisors, assessors and town clerk of the several towns of this State; and for that purpose they shal assemble at such place as the said supervisors shall appoint.

Duty of clerk.

§ 55. The clerk shall attend the meetings of the common council and keep a record of its proceedings, and shall have the custody o the corporate seal, and shall keep all papers that, by any provision o

, or by the direction of the common council, are required to be filed
or kept by him; and copies of all papers filed in his office, and
scripts from the record of the proceedings of the common coun-
certified by him under the corporate seal, shall be evidence in all
s, of the matter therein contained. He shall countersign all
ses granted for any purpose by the mayor or common council, and
enter in an appropriate book the name of every person to whom
ense shall be granted, the date thereof, and the time during which
to continue in force, and the sum paid for such license. No
se for any purpose granted shall be valid unless thus countersigned
the clerk. No license shall be valid until the sum of money
ired therefor shall be fully paid in advance to the treasurer; and
hereby made the duty of the city clerk to call upon the chief of
ce for a detail of one or more policemen to enforce the penal ordi-
ces of said city in relation to all persons required to take out licenses
he shall report to the city attorney for prosecution all violations
said ordinances that may come to his knowledge.

To countersign licenses.

Licenses not to be valid till fee is paid.

§ 56. It shall also be the duty of the clerk, within four days after
close of each session of the common council, to make and present
the mayor a transcript of every ordinance, resolution and order,
cerning any public improvement, or for the payment of money,
every ordinance, resolution, order and act of a legislative charac-
passed by the common council at such sessions requiring the ap-
val of the mayor; which transcripts, after being returned by the
yor, shall be filed by him and kept in his office, and when approved
the mayor, shall be duly recorded with the approval, and shall also
recorded when the same shall go into effect without the approval
the mayor.

Clerk to furnish transcript of ordinances, etc., to mayor.

§ 57. The clerk shall publish, for at least one week, in one of the
ly newspapers printed in said city, all acts and ordinances of the
mon council, for the violation of which any penalty may be im-
ed, and all votes, ordinances, and resolutions directing the pay-
nt of money, at least once within eight days after the passage of
ch vote, ordinance or resolution.

To publish ordinances.

§ 58. The treasurer shall receive all the moneys belonging to the
y, except as may be otherwise by this charter or other law expressly
ovided, and shall deposit and keep the same as directed by the com-
on council, and shall keep an account of all receipts and expendi-
es in such manner as the common council shall direct. He shall
onthly, and at the first stated or regular meeting of the common
uncil, each month, deliver to the clerk thereof, to be laid before
e common council, a just and true statement of the condition of the
veral funds in his charge on the day of such meeting of the common
uncil, setting forth the exact balance then remaining in each fund,
hich statement shall be duly verified by the oath of the
id treasurer, and shall be filed by the said clerk. For neglect or
fusal on the part of the treasurer to prepare and deliver such state-
ent as above provided, he shall forfeit and pay ten dollars for the
st day, and for every day he shall so neglect or refuse subsequent to
e first he shall forfeit and pay five dollars, which penalties may be
ed for and recovered by the city of Rochester. All moneys drawn
om the treasury, except as otherwise provided by this charter or other
w, shall be drawn in pursuance of an order of the common council
y warrant, signed by the clerk. Such warrant shall specify for what
rpose the amount therein expressed is to be paid, and the clerk shall
ep, in a check book to be kept by him for the purpose, an account,

Duty of treasurer.

Monthly statement.

Penalty for neglect.

Moneys, how drawn from treasury.

under the appropriate heads of expenditures of all orders drawn upon the treasury. But no warrant, check or draft shall be signed by the clerk or be paid or accepted by the treasurer, the effect of which shall be to overdraw any of the funds aforesaid, or when there shall not be money in the treasury applicable to the payment of such warrant, check or draft, to pay the same in full. Any violation of this provision by the clerk or treasurer shall be a misdemeanor, and shall subject the offender to a fine of not less than ten dollars nor exceeding one hundred dollars, and it shall be the duty of the district attorney of the county of Monroe to prosecute any person so violating this provision, on the complaint of any tax payer of the city of Rochester. The books and accounts of the treasurer shall at all reasonable hours be open to the inspection of any elector of said city. At the last regular meeting of the common council in the month of March in each year, the treasurer shall make a report, exhibiting a full account of the receipts and expenditures during the last preceding year, and from the date of the last like report, and also the state of the treasury and the funds aforesaid; which report and account shall be referred to a committee for examination.

Over drafts prohibited.

Penalty for making over drafts.

Annual report.

Commissioners of excise to make monthly report and pay over money received.

§ 59. The commissioners of excise of the said city shall make a report in writing every month to the common council, signed by such commissioners and verified by their oath, and shall deliver such report so verified to the city clerk, before the last day of the month, which report shall contain a full, true and detailed statement of all moneys received by them and not before reported as hereby required, with the date and amount of each and every item of money received, and the name and place of business of each and every person licensed (not before reported as aforesaid) and the amount charged in each case. With every such report shall be the city treasurer's receipt, showing that the full amount of moneys so reported have been paid to him. A like verified report shall be made and bear date on the Saturday next before the first Monday of May in each year, and shall be delivered to the city clerk with the treasurer's receipt as aforesaid within two days thereafter.

Verified report.

City attorney, duty of.

§ 60. The attorney of said city shall prosecute and defend all actions brought by and against said city, and render such other professional services connected with the affairs of said city as may be required of him by law or by the common council.

Supt. of streets, duty of.

§ 61. It shall be the duty of the superintendent of streets to superintend, under the direction of the executive board, all work to be done or ordered upon or in relation to any of the public streets, parks, walks, bridges, sewers, pumps or reservoirs of said city, and to perform, under the direction of said board, such other duties as are by law imposed upon him. If no superintendent of streets shall be appointed, then all powers and duties by this charter imposed upon him shall belong to and be performed by the executive board of said city.

President of common council to act in absence, etc., of mayor.

§ 62. In case of the absence or inability of the mayor to act as such, or in case his office shall become vacant by death, resignation or otherwise, the president of the common council shall possess all the powers and perform all the duties of mayor during such absence or inability or during the remainder of his term of office, in case of a vacancy therein.

Constables not to serve process issued by police justice.

§ 63. The constables elected in said city, or in the different towns of the county of Monroe, shall not be compelled to serve or execute any process, notice or paper whatever, issued by the police justice or the municipal court of said city, in execution of the laws of the State for the prevention of crime and the punishment of criminal offenders,

claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified, the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting the city, and for police; the amount of highway taxes and assessments; the amount of assessments for paving, repairing and opening streets, and for repairing and building bridges; the amount borrowed on credit of the corporation, and the terms on which the same was obtained, and such other information as shall be necessary for a full understanding of the financial concerns of the city, which statement shall be signed by the mayor and clerk, and filed with the clerk of the city, and the same shall be published by the clerk, at the expense of the city, in a newspaper in which the proceedings of the common council are published. The common council shall, at its first regular meeting in each year, or as soon as practicable, select one daily newspaper, published in said city, for the publication of the proceedings, resolutions, and ordinances of the common council, and of the executive board of said city, and all the notices and advertisements and proceedings of any of the officers of said city, and of all the committees of the common council during the current fiscal year, provided such publication shall be under and in accordance with the terms of a written contract with the city, theretofore made and executed by the proprietor or proprietors of such newspaper, and the mayor of the city of Rochester under the direction and approval of the common council.

Detailed statement of receipts, etc., to be made.

Official paper.

TITLE IV.

POWERS AND DUTIES OF CITY OFFICERS.

§ 47. It shall be the duty of the mayor to take care that the laws of the State and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and to examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient, and, in general, to maintain the peace and good order, and advance the prosperity of the city. In all criminal matters he shall have and possess the same power as a county judge at chambers, and shall have power to administer oaths and take affidavits within said city, and to receive therefor the same fees that are allowed to county judges for the same services.

Mayor, his duties.

In criminal cases.

§ 48. Before any ordinance, resolution or order of the common council concerning any public improvement, or for the payment of money, or any ordinance, resolution or act of a legislative character passed by the common council shall have any force or effect, a transcript of such ordinance, resolution, order or act shall be presented to the mayor for his approval; if he approves he shall indorse his approval thereon in writing, and sign such approval; if he disapproves he shall return such transcript to the common council, or the clerk thereof, with his objections and reasons for disapproval, in writing, which shall be filed by the clerk, and the common council shall, at its next meeting thereafter, proceed to reconsider such ordinances, ordinance, resolution, order or act thus disapproved; and if the same shall

Ordinances, etc., to be presented to mayor.

Veto.

Notice to be published.

weeks, in one of the public newspapers printed in the said city of Rochester, to all persons interested or claiming such property, that unless claimed by the owner with satisfactory proof of such ownership, before a specified day, the same shall be sold at auction to the highest bidder.

Sale of property.

On the day and at a place specified in such notice, all property remaining unclaimed, except money, shall be sold, at auction, by said justice, or under his direction.

Certain property to be sold without notice.

If any goods, wares merchandise or chattels of a perishable nature, or which shall be expensive to keep, shall, at any time, remain unclaimed in said police office, it shall be lawful for said police justice to sell the same at public auction, at such time and after such notice as to him and the said mayor shall seem proper.

Money to be paid treasurer.

The said justice shall, immediately after the sale of any property in accordance herewith, pay to the treasurer of said city all moneys, remaining unclaimed in his hands as such police justice, and all moneys received by him upon such sale, after deducting the expenses thereof.

Stolen property.

§ 68. It shall be the duty of the police justice, aforesaid, whenever he shall obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred for the preservation and sustenance of such property.

District attorney may direct property not to be sold.

§ 69. No property shall be sold or delivered in pursuance of the foregoing sections if the district attorney of Monroe county shall direct that it shall remain unsold or undelivered for the purpose of being used as evidence in the administration of justice.

Policemen to obey orders of mayor, etc.

§ 70. The chief of police and policemen of said city shall obey the lawful orders of the mayor, aldermen and of the police justice, or of any person legally exercising the criminal jurisdiction of a justice of the peace in said city, in enforcing the laws of this State or the ordinances of said city; and in case of refusal or neglect so to do, he or they shall be subject to a penalty of not less than five dollars nor more than one hundred dollars.

Criminal expenses to be paid by county.

§ 71. The expenses of apprehending, examining and committing offenders against any law of the State in said city, and of their confinement, shall be audited, allowed and paid by the supervisors of the county of Monroe, in the same manner as if such expenses had been incurred in any town of the said county, to be assessed on said city.

Chief fiscal officer.

§ 72. The city treasurer shall, by virtue of his office, be the chief fiscal officer of the city and have the care and custody of all the funds and securities belonging to the city, except as may be otherwise provided.

Control of Mount Hope Cemetery.

§ 73. Mount Hope Cemetery shall be under the control of three commissioners who shall constitute a board of commissioners.

Powers of commissioners.

§ 74. The commissioners of Mount Hope Cemetery shall have the care, custody and management of all property upon the grounds, and shall employ a superintendent and such laborers as they may deem proper, and regulate their compensation and services.

Maps to be made.

They shall cause suitable maps to be made and perfected of all grounds, roads and lots therein, and shall regulate the sales and prices of lots and interments, and shall make such regulations for the use and protection of the cemetery as they shall deem proper, in no case, however, being allowed to charge a fee to visitors.

Fund to be created and how applied.

§ 75. The commissioners of Mount Hope Cemetery shall cause a fund to be provided from the receipts of the said cemetery, by appropriating annually not less than ten per cent of the gross receipts, which shall be applied, first to the payment of mortgages now existing upon portions of the cemetery, and second, to create a repair fund, which shall

...r, or by the direction of the common council, are required to be filed ...ith or kept by him; and copies of all papers filed in his office, and ...anscripts from the record of the proceedings of the common coun...l, certified by him under the corporate seal, shall be evidence in all ...ces, of the matter therein contained. He shall countersign all ...enses granted for any purpose by the mayor or common council, and ...all enter in an appropriate book the name of every person to whom ...license shall be granted, the date thereof, and the time during which ...is to continue in force, and the sum paid for such license. No ...ense for any purpose granted shall be valid unless thus countersigned ...y the clerk. No license shall be valid until the sum of money ...quired therefor shall be fully paid in advance to the treasurer; and ...is hereby made the duty of the city clerk to call upon the chief of ...olice for a detail of one or more policemen to enforce the penal ordi...nces of said city in relation to all persons required to take out licenses ...nd he shall report to the city attorney for prosecution all violations ...f said ordinances that may come to his knowledge.

To countersign licenses.

Licenses not to be valid till fee is paid.

§ 56. It shall also be the duty of the clerk, within four days after ...he close of each session of the common council, to make and present ...o the mayor a transcript of every ordinance, resolution and order, ...oncerning any public improvement, or for the payment of money, ...nd every ordinance, resolution, order and act of a legislative charac...er, passed by the common council at such sessions requiring the ap...roval of the mayor; which transcripts, after being returned by the ...ayor, shall be filed by him and kept in his office, and when approved ...y the mayor, shall be duly recorded with the approval, and shall also ...e recorded when the same shall go into effect without the approval ...f the mayor.

Clerk to furnish transcript of ordinances, etc., to mayor.

§ 57. The clerk shall publish, for at least one week, in one of the ...aily newspapers printed in said city, all acts and ordinances of the ...ommon council, for the violation of which any penalty may be im...posed, and all votes, ordinances, and resolutions directing the pay...ment of money, at least once within eight days after the passage of ...uch vote, ordinance or resolution.

To publish ordinances.

§ 58. The treasurer shall receive all the moneys belonging to the ...ity, except as may be otherwise by this charter or other law expressly ...rovided, and shall deposit and keep the same as directed by the com...mon council, and shall keep an account of all receipts and expendi...tures in such manner as the common council shall direct. He shall ...monthly, and at the first stated or regular meeting of the common ...ouncil, each month, deliver to the clerk thereof, to be laid before ...he common council, a just and true statement of the condition of the ...everal funds in his charge on the day of such meeting of the common ...ouncil, setting forth the exact balance then remaining in each fund, ...hich statement shall be duly verified by the oath of the ...id treasurer, and shall be filed by the said clerk. For neglect or ...efusal on the part of the treasurer to prepare and deliver such state...ment as above provided, he shall forfeit and pay ten dollars for the ...rst day, and for every day he shall so neglect or refuse subsequent to ...he first he shall forfeit and pay five dollars, which penalties may be ...ued for and recovered by the city of Rochester. All moneys drawn ...om the treasury, except as otherwise provided by this charter or other ...w, shall be drawn in pursuance of an order of the common council ...y warrant, signed by the clerk. Such warrant shall specify for what ...urpose the amount therein expressed is to be paid, and the clerk shall ...eep, in a check book to be kept by him for the purpose, an account,

Duty of treasurer.

Monthly statement.

Penalty for neglect.

Moneys, how drawn from treasury.

under the appropriate heads of expenditures of all orders drawn upon the treasury. But no warrant, check or draft shall be signed by the clerk or be paid or accepted by the treasurer, the effect of which shall be to overdraw any of the funds aforesaid, or when there shall not be money in the treasury applicable to the payment of such warrant, check or draft, to pay the same in full. Any violation of this provision by the clerk or treasurer shall be a misdemeanor, and shall subject the offender to a fine of not less than ten dollars nor exceeding one hundred dollars, and it shall be the duty of the district attorney of the county of Monroe to prosecute any person so violating this provision, on the complaint of any tax payer of the city of Rochester. The books and accounts of the treasurer shall at all reasonable hours be open to the inspection of any elector of said city. At the last regular meeting of the common council in the month of March in each year, the treasurer shall make a report, exhibiting a full account of the receipts and expenditures during the last preceding year, and from the date of the last like report, and also the state of the treasury and the funds aforesaid; which report and account shall be referred to a committee for examination.

Over drafts prohibited.

Penalty for making over drafts.

Annual report.

Commissioners of excise to make monthly report and pay over money received.

§ 59. The commissioners of excise of the said city shall make a report in writing every month to the common council, signed by such commissioners and verified by their oath, and shall deliver such report so verified to the city clerk, before the last day of the month, which report shall contain a full, true and detailed statement of all moneys received by them and not before reported as hereby required, with the date and amount of each and every item of money received, and the name and place of business of each and every person licensed (not before reported as aforesaid) and the amount charged in each case. With every such report shall be the city treasurer's receipt, showing that the full amount of moneys so reported have been paid to him. A like verified report shall be made and bear date on the Saturday next before the first Monday of May in each year, and shall be delivered to the city clerk with the treasurer's receipt as aforesaid within two days thereafter.

Verified report.

City attorney, duty of.

§ 60. The attorney of said city shall prosecute and defend all actions brought by and against said city, and render such other professional services connected with the affairs of said city as may be required of him by law or by the common council.

Supt. of streets, duty of.

§ 61. It shall be the duty of the superintendent of streets to superintend, under the direction of the executive board, all work to be done or ordered upon or in relation to any of the public streets, parks, walks, bridges, sewers, pumps or reservoirs of said city, and to perform, under the direction of said board, such other duties as are by law imposed upon him. If no superintendent of streets shall be appointed, then all powers and duties by this charter imposed upon him shall belong to and be performed by the executive board of said city.

President of common council to act in absence, etc., of mayor.

§ 62. In case of the absence or inability of the mayor to act as such, or in case his office shall become vacant by death, resignation or otherwise, the president of the common council shall possess all the powers and perform all the duties of mayor during such absence or inability or during the remainder of his term of office, in case of a vacancy therein.

Constables not to serve process issued by police justice.

§ 63. The constables elected in said city, or in the different towns of the county of Monroe, shall not be compelled to serve or execute any process, notice or paper whatever, issued by the police justice or the municipal court of said city, in execution of the laws of the State for the prevention of crime and the punishment of criminal offenders,

or of the police laws and regulations of the State or of said city; nor shall the county of Monroe, or any of the towns thereof, or said city, be liable to pay any such constable any fees for serving or executing such paper or process. In other respects the constables elected in said city shall have within said city and the county of Monroe, the same authority and compensation, and be subject to the same duties, as the constables of the several towns of said county.

Duty in other respects.

§ 64. The police justice of said city shall keep an office in such place in said city as the common council shall designate, and it shall be his duty to attend to all complaints of a criminal nature which may come before him, at all reasonable hours. He shall not be entitled to receive any fees or reward for any service, but shall receive in full compensation for his services as police justice an annual salary, to be fixed, from time to time, by the common council of said city, to be paid from the treasury thereof.

Police justice, office of.

Not to receive fees.

Salary of.

§ 65. All the fines and penalties imposed by said police justice shall be paid to the police clerk, and all moneys that shall be paid to or received by him as such shall belong to the city of Rochester, and the police clerk shall report, on oath, to the said common council, at the first regular meeting thereof in each month, during the term for which he shall be appointed, the number and names of persons fined, and the names of persons against whom judgment shall have been rendered by said police justice for any penalty or penalties, with the dates and amounts of such fines and penalties respectively, and all moneys collected or received by him as such police clerk, for fines, or penalties, or otherwise, and shall pay to the treasurer of said city, in each and every week during the term for which the said police clerk shall be elected or appointed, or during which he shall hold said office, all moneys received by him which are hereinbefore declared to belong to said city; which moneys, except as hereinafter otherwise expressly provided, shall be, by said treasurer, credited to the police fund, and any neglect to comply with the provisions of this section shall be good ground for the removal from office of said police clerk. The said police justice may be removed from office by the county court of Monroe county, for official misconduct, neglect of, or unfaithful or insufficient performance of any of his duties, on charges preferred by the common council or by any one or more electors of the said city of Rochester; but notice of such charges against him, and an opportunity of being heard in his defense, shall first be given in such manner as said court or the judge thereof shall direct.

Fines, etc., to be paid to police clerk.

Report of.

To be paid to treasurer.

To be credited police fund.

Police justice may be removed for official misconduct.

§ 66. All dockets and other books kept by said police clerk shall, at all times, be subject to the inspection and examination of the city attorney, the common council, or any member thereof, or of the board of police, and it shall be the duty of said clerk to produce such docket or books whenever and wherever the common council or board of police shall direct; and if he shall neglect or refuse to produce such docket or books as required, the county judge of Monroe county may, on application to him for that purpose, make an order requiring the same to be produced, and enforce obedience thereto, and punish disobedience thereof in the same manner in which obedience to other orders made by him is enforced or disobedience thereof punished.

Books and dockets subject to inspection.

§ 67. It shall be the duty of the police justice, for the time being, on the first Monday in May and November, in every year, to deliver an account, verified by his oath, to the mayor of said city, of all moneys, goods, wares and merchandise then remaining unclaimed in said police office, and immediately thereafter to give notice, for four weeks

Police justice to account for moneys, etc.

Notice to be published.

weeks, in one of the public newspapers printed in the said city of Rochester, to all persons interested or claiming such property, that unless claimed by the owner with satisfactory proof of such ownership, before a specified day, the same shall be sold at auction to the highest bidder.

Sale of property.

On the day and at a place specified in such notice, all property remaining unclaimed, except money, shall be sold, at auction, by said justice, or under his direction. If any goods, wares merchandise or chattels

Certain property to be sold without notice.

of a perishable nature, or which shall be expensive to keep, shall, at any time, remain unclaimed in said police office, it shall be lawful for said police justice to sell the same at public auction, at such time and after such notice as to him and the said mayor shall seem proper. The

Money to be paid treasurer.

said justice shall, immediately after the sale of any property in accordance herewith, pay to the treasurer of said city all moneys, remaining unclaimed in his hands as such police justice, and all moneys received by him upon such sale, after deducting the expenses thereof.

Stolen property.

§ 68. It shall be the duty of the police justice, aforesaid, whenever he shall obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred for the preservation and sustenance of such property.

District attorney may direct property not to be sold.

§ 69. No property shall be sold or delivered in pursuance of the foregoing sections if the district attorney of Monroe county shall direct that it shall remain unsold or undelivered for the purpose of being used as evidence in the administration of justice.

Policemen to obey orders of mayor, etc.

§ 70. The chief of police and policemen of said city shall obey the lawful orders of the mayor, aldermen and of the police justice, or of any person legally exercising the criminal jurisdiction of a justice of the peace in said city, in enforcing the laws of this State or the ordinances of said city; and in case of refusal or neglect so to do, he or they shall be subject to a penalty of not less than five dollars nor more than one hundred dollars.

Criminal expenses to be paid by county.

§ 71. The expenses of apprehending, examining and committing offenders against any law of the State in said city, and of their confinement, shall be audited, allowed and paid by the supervisors of the county of Monroe, in the same manner as if such expenses had been incurred in any town of the said county, to be assessed on said city.

Chief fiscal officer.

§ 72. The city treasurer shall, by virtue of his office, be the chief fiscal officer of the city and have the care and custody of all the funds and securities belonging to the city, except as may be otherwise provided.

Control of Mount Hope Cemetery.

§ 73. Mount Hope Cemetery shall be under the control of three commissioners who shall constitute a board of commissioners.

Powers of commissioners.

§ 74. The commissioners of Mount Hope Cemetery shall have the care, custody and management of all property upon the grounds, and shall employ a superintendent and such laborers as they may deem proper, and regulate their compensation and services. They shall

Maps to be made.

cause suitable maps to be made and perfected of all grounds, roads and lots therein, and shall regulate the sales and prices of lots and interments, and shall make such regulations for the use and protection of the cemetery as they shall deem proper, in no case, however, being allowed to charge a fee to visitors.

Fund to be created and how applied.

§ 75. The commissioners of Mount Hope Cemetery shall cause a fund to be provided from the receipts of the said cemetery, by appropriating annually not less than ten per cent of the gross receipts, which shall be applied, first to the payment of mortgages now existing upon portions of the cemetery, and second, to create a repair fund, which shall

not exceed fifty thousand dollars, which shall be invested, and as soon as it is of sufficient amount, the interest thereof shall be applied solely to the repairing of roads, lawns, hill-sides monuments, abandoned lots and public grounds, and such repair fund shall never, under any pretext or evasion, be diverted from this declared purpose, and the interest thereof shall be used annually as hereabove directed.

Treasurer to deposit moneys

§ 76. The city treasurer shall receive and deposit in one or more of the savings banks in the city, of good standing, all moneys from the sale of lots and other sources, and also all penalties collected for violations of city ordinances in relation to Mount Hope, and shall pay all expenses incurred at Mount Hope, by making his check upon such savings bank, which check shall in all cases be countersigned by two or more commissioners.

Deeds, etc., to be executed by mayor and clerk, etc.

§ 77. All deeds and conveyances of lots shall be executed by the mayor and city clerk and countersigned by the treasurer, and recorded in the city clerk's office. The commissioners of Mount Hope Cemetery shall receive no compensation for their services, and shall make an annual report, under oath, to the common council, at its last regular meeting in March, of their receipts and expenditures and of all matters committed to their charge.

Sealer of weights and measures.

§ 78. The sealer of weights and measures appointed for said city shall possess the like powers, be subject to the like obligations, and receive the same fees as sealers of weights and measures of the several towns of this State.

Overseers of the poor.

§ 79. The overseer of the poor of the city of Rochester shall have the power to administer to, and examine under oath, any person applying to him for relief; and false swearing during such examination shall be deemed willful perjury. He shall also have the same power to settle cases of bastardy, as now conferred upon the superintendent of the poor, and shall possess all the powers and authority of overseers of the poor in towns.

TITLE V.

TAXES, FUNDS, REVENUE AND EXPENDITURE.

Auditing of accounts, etc.

§ 80. The common council shall examine, settle and audit all accounts chargeable against the city as well of its officers as of other persons, except as otherwise expressed by this charter or other law, and shall have authority to direct the raising of such sums as shall be necessary to defray the same and the contingent expenses of the city, subject to the limitations and restrictions hereinafter contained; they shall have the power to borrow money, as in the next section provided, and also to borrow against any tax or assessment levied, but not collected, to an amount not exceeding the amount thereon uncollected, and to issue therefor the obligations of the city payable in not more than one year, with interest at not over seven per centum.

Annual tax.

§ 81. For the purpose of paying such expenses the common council shall raise annually such sums as shall be estimated and reported by the finance committee as necessary, in the manner hereinafter provided.

Finance committee may require estimates.

The said finance committee may at any time require from the chairman of each of the committees of the common council, and it shall be his duty to furnish to the finance committee, and in such form as they shall require, full and particular estimates of the amount needed by the various funds and departments in their charge, and especially for lighting the city, for the support of the police department, for the general contingent expenses of the city, for the support and relief of

any such collector shall neglect or refuse to pay over any money collected by him, he shall be deemed guilty of a misdemeanor.

Notice of sale.

§ 92. The said collectors shall give public notice of the time and place of sale of the property to be sold, at least six days previous to the sale, by advertisement to be posted up in at least three public places, of which the outer door of the court-house shall be one. All sales by virtue of this provision shall be by public auction from the steps in front of the court-house.

Proceeds of sale, how disposed of.

§ 93. If the property distrained shall be sold for more than the amount of the tax, percentage, interest, and the costs, charges and expenses of such distress and sale, the surplus shall be returned to the person in whose possession such property was when distress was made; if no claim be made to such surplus by any other person; if any other person shall claim such surplus on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner; but if such claim be contested by the person for whose tax the property was distrained, the surplus money shall be paid by the collector into the city treasury, there to be retained as a special deposit, until the rights of the parties shall be determined by due course of law.

Real estate, when to be sold for taxes.

§ 94. On the last Thursday of March, in each year, the city treasurer shall cause to be exposed for sale, as hereinafter provided, all real estate, charged with any tax or assessment which shall have been due and unpaid more than thirty days previous to the said last Thursday in March.

Notice of tax sale.

§ 95. The city treasurer shall cause a notice of the time and place of such sale to be published in all the daily newspapers published in said city at least ten days previous to such sale; and he shall also cause to be published in one or more of said daily papers on some day not more than twenty nor less than ten days previous to such sale, a list of the several parcels of real estate so to be sold, describing therein each parcel of real estate in the same manner substantially as the same is described in the assessment rolls in which the said tax or assessment is imposed thereon, together with the name of the person to whom each parcel is assessed and the amount of the tax or assessment thereon.

Treasurer to conduct sale.

§ 96. It shall be the duty of the city treasurer to conduct all the proceedings and render all the services necessary to perfect the sale and transfer of real estate in said city where the same shall be sold or advertised for sale for the non-payment of any assessment imposed thereon by the common council, and for such services so rendered by the city treasurer, including the expense of advertising such real estate, the corporation shall be entitled to have fifty cents for each parcel of land so ordered to be sold, in case the sale thereof shall be stopped by payment after advertisement, and one dollar and fifty cents for each parcel that shall be actually sold, which fees shall be paid into the city treasury and carried to the contingent fund.

When sale to be made.

§ 97. If such tax or assessment and the percentage, interest, allowance and expense aforesaid be not paid by the said last Thursday of March, the city treasurer shall, at the time and place appointed in the notices required to be given as aforesaid, or on some day immediately thereafter, to which said sale may be adjourned, proceed to sell the said several parcels of real estate for the shortest time any bidder will take such premises and pay the said tax or assessment, with said charges and expenses; and on such sale he shall execute to

the bidder a certificate of sale, in which the property purchased shall be described, the aggregate amount of tax or assessment and said charges and expenses, and the time for which the premises were purchased shall be specified; also the time when the purchaser will be entitled to receive the lease hereinafter mentioned. The amount added to such tax or assessment for fees shall be carried to the contingent fund. Certificate of sale.

§ 98. If at any such sale no bid to the amount of the tax thereon and expenses of sale shall be made for any such parcel of land, the same shall be struck off to the city, and the treasurer shall make a memorandum of the fact that the land was so struck off to the city in a book to be kept for that purpose. When no bid is made to be struck off to city.

§ 99. The treasurer of said city may be authorized, by an order of the common council, to bid for and in the name of the corporation of the said city upon any lands offered for sale at public auction, upon which the said corporation may have any claim or lien. Treasurer to bid for city.

§ 100. Any owner or claimant of the premises so sold for any tax or assessment may, within two years after such sale, redeem the same by paying to such purchaser, his representatives or assigns, or into the city treasury for his use, the amount so paid by him, with the addition of twelve per centum per annum, or at that rate, on such amount, and on such payment being made the right and title of such purchaser shall absolutely cease and determine. Redemption.

§ 101. Any holder of any certificate of lands sold for city taxes or assessments shall, within one year after the expiration of the period of redemption provided for by the preceding section, cause to be served upon the owner of such lands a notice of such sale, signed by the person claiming such premises under such sale, his representative or agent, and specifying the amount of the tax or assessment and charges at the time of such sale, and the time for which such premises were bid off, and that the owner is required to redeem the same within thirty days, and any person making redemption after service of said notice shall, within the time therein provided, pay the amount for which the land was sold, with the said addition of twelve per cent per annum, into the city treasury for the use of the person who shall hold said certificate. Notice of purchase of premises to be given to owner.

§ 102. The notice required by the preceding section shall be served on the owner of such land if he live in Rochester, personally, or by leaving at his residence. If such owner does not live in Rochester, but has an agent living in said city, whose appointment is in writing and his name entered in a book to be kept by the city clerk for that purpose, then such notice shall be served on such agent, personally, or at his residence. If such non-resident owner does not have such agent, then such notice may be served on any tenant in possession of said premises, and a copy thereof shall also be sent by mail addressed to such owner at his residence, if the same is known or can be ascertained by reasonable diligence; and if there be no tenant, service by mail as aforesaid shall be sufficient. If there be no occupant and the residence of such owner is not known and cannot be ascertained by reasonable diligence, or if the owner of such lands be unknown, then such notice shall be served by publishing the same once a week for six successive weeks in at least two of the daily city papers, and the cost of such advertisement shall be added to the amount already accrued upon his certificate. Notice, how served. When to be published.

§ 103. It shall be the duty of the treasurer to deliver to the attorney of said city within one month after the expiration of two years from the time any lands have been sold for any tax or assessment, where the List of lands sold to be delivered

to city attorney.

same have been struck off to said city, a list of all such lands, with the names of the owners and a description thereof, as the same is described on the assessment roll, containing the tax for which the same is sold. It shall be the duty of the attorney to cause a notice to be served upon all owners of land so purchased by said city, in the same form and manner as specified in the two last preceding sections.

Mayor to execute certificate as to lands held by city and not redeemed

§ 104. Whenever any lands in said city shall have been sold for taxes and bid off to said city and notice to redeem shall have been served as provided in the last section, for more than thirty days, and such lands have not been redeemed as before provided, the mayor of said city shall execute a certificate of the fact of such sale having been made and the lands struck off to the city, and that the same has not been redeemed, which certificate shall be acknowledged as deeds to be entitled to be recorded and shall be recorded in the Monroe county clerk's office. Such certificates, or the record thereof, or a copy of such record duly authenticated shall, in all courts and places, be prima facie evidence that the tax or assessment was legally imposed, of the regularity and legality of all proceedings prior to such sale and of such sale, and that notice has been duly given to redeem, and that such lands have not been redeemed. Upon the recording of such certificates, the said city or its assigns shall acquire an absolute title to such lands in fee, with the right to immediate possession, and may enjoy and hold such lands free and clear from all claim or demand of any owner thereof, or any person having any lien thereon or interest therein, but the equity of redemption in such lands struck off to the city shall only be barred as hereinafter provided. At any time after such certificate is executed the equity of redemption of all persons having any lien on or interest in said lands may be foreclosed by an action to be brought by said city in any court having equity jurisdiction, in which action the same proceeding shall be had as nearly as may be, as on the foreclosure of mortgages, and judgment of strict foreclosure, or of foreclosure and sale, may be had therein as the court may direct. Whenever judgment of foreclosure and sale shall be ordered, any of the parties to such action may become the purchaser of such premises. The provisions of this section shall apply to all lands heretofore or hereafter struck off to said city.

Title of city to become absolute on recording certificates.

Foreclosure of equity of redemption.

Creditors having liens may redeem.

§ 105. Any judgment creditor or mortgagee having a lien on the premises sold for any tax or assessment under the provisions of this charter may redeem the same within the same time, and on the same terms as the owner thereof, as hereinbefore prescribed. The right of any such judgment creditor or mortgagee to redeem such lands shall only be cut off by service of notice on, or for him, in the same manner as provided hereinbefore as to the owner, or where his equity of redemption is foreclosed, as provided in this charter.

Lien of creditors for amount paid to redeem.

§ 106. Every such mortgagee or judgment creditor shall have a lien on the premises redeemed by him, by virtue of this act, for the amount necessarily paid by him to effect such redemption, with the interest which may thereafter accrue thereon, in like manner as if the same had been included in his mortgage or judgment, and may enforce the same in the same manner.

"Mortgagee," how construed.

§ 107. The term "mortgagee" shall be construed to include the personal representatives of such mortgagee and assignees whose assignments shall be duly recorded, and their personal representatives.

Affidavits of service of notice.

§ 108. An affidavit of the service of the notice required by the preceding sections of this title, in order to determine the time of redemption of such lands, specifying the time of such service, and taken be-

fore an officer authorized to take affidavits to be read in courts of record, shall be filed with the clerk of the city within ten days after such service, and the said affidavit shall be presumptive evidence of the facts contained therein. And the clerk shall keep a carefully indexed record of the same. If the said lands so sold in the manner herein provided shall not be redeemed within the time and in the manner in this title hereinbefore prescribed, the holder of such certificate shall, at the expiration of such time, be entitled to a lease of said premises for the term for which the same were bid off, which term shall commence two years from the time of the sale of said lands; said lease to be given by the mayor, or other officer legally discharging the office of mayor, under the corporate seal of the said city, on production to him of a certificate of the city clerk that an affidavit was filed as by the next preceding section provided, and a certificate of the city treasurer, that the money has not been paid to redeem said lands, which lease, or the record thereof, or a duly certified copy of such record, shall be prima facie evidence in all courts and places that such tax or assessment was legally imposed, and of the regularity and correctness of such sale and of all proceedings prior thereto, and that notice has been given to redeem, and that such lands have not been redeemed; and the said lessee, his heirs or assigns shall have, hold and enjoy the said premises during the term for which the same were granted to him, free and clear from all claim of any owner or occupant of the same, or of any person having any lien thereon or interest therein, but subject to any taxes or assessments that may be charged thereon, during the said term; and at the expiration of such term, such lessee, his heirs or assigns, may remove any building or fixtures that may have been erected on the said premises during the said term. But no lease or conveyance of such lands, or any part thereof, shall be executed by the mayor, or any person discharging the duties of the office of mayor, until all city taxes and assessments upon such lands shall have been paid.

When purchaser entitled to lease.

Evidence.

City taxes to be paid before lease is executed.

§ 109. Whenever the said common council shall discover that any lands on which any tax or assessment remains unpaid, have been so imperfectly or erroneously described that the same cannot, in their opinion, be located with certainty, or that a sale thereof would not convey to a purchaser a valid title to the lands intended to be charged with such tax or assessment, by reason of the misdescription thereof, the said common council shall cause an accurate description of the lands intended to be charged with such tax or assessment, to be annexed to the annual assessment roll for the general expenses of the said city, and shall charge the said land with the amount of such taxes or assessments incurred, with the interest thereon, from the time the same ought to have been paid, specifying the purpose for which the same was originally assessed, and the time when the same was returned for non-payment; and the amount so charged shall be collected in the same manner and the same proceedings shall be had in case of non-payment of the same as in relation to taxes for the general expenses of the said city. The power conferred by this section may be exercised in respect to any lands heretofore returned to the city treasurer, and shall extend to all lands embraced in the terms of this section, whether the same may have been sold under such imperfect description or not; and in case any mistake or error has been or shall be committed in any of the proceedings in making any tax or assessment upon any property, real or personal, the common council shall have power to correct such tax or assessment, or to remit the same, if uncollected,

Proceedings in case property is imperfectly described.

Power conferred may be exercised as to lands heretofore returned for non-payment of taxes.

and to refund the same, if collected; and the amount or aggregate of the sums so remitted or refunded shall be added to the gross amount of taxes to be assessed and collected the next succeeding year, and shall be collected with the taxes for the general expenses of the city, and in the same manner.

New bonds may be issued for funded debt.

§ 110. It shall be lawful for the said city to renew and extend the period for payment of the bonds or certificates outstanding against the said city, and which constitute the funded debt of said city, by issuing new bonds and certificates therefor, but such bonds and certificates shall recite or specify therein the bonds or certificates for the renewal of which such bonds or certificates shall be issued. The common council shall have power to issue in exchange for the water-works bonds of said city heretofore authorized and from time to time outstanding registered bonds of the said city for the same amount, payable at the same time and with the same rate of interest, under such regulations as the common council may prescribe; provided, however, that no new bond shall be signed by any officer until the bond for which it is to be exchanged shall be canceled with the certificate of the city treasurer or other city officer, and either deposited in his office or disposed of as the common council may direct.

Proviso.

Revenues pledged not to be diverted to other purposes.

§ 111. When by any act authorizing the creation of any part of the present funded debts, any property or revenues of the said city were pledged or appropriated to the payment of any such funded debt, such property or revenues shall continue to be so pledged and appropriated to the payment of the bonds or certificates which shall, by virtue of this charter, be substituted for such part or parts of such funded debt.

Money, how drawn from treasury.

§ 112. No money shall be drawn from the city treasury unless it shall have been previously appropriated to the purpose for which it shall be drawn, and all ordinances, resolutions and orders directing the payment of money shall specify the object and purpose of such payment, and the particular fund from which payment is to be made, and the same, with the approval of the mayor, shall be certified by the clerk of the common council to the city treasurer, before any payment shall be made by him, except as otherwise expressly provided.

City money to be deposited.

§ 113. All moneys received by the treasurer belonging to the city shall be deposited in one or more of the banks of the city, to be designated by the common council, and the treasurer shall keep a bank book with every bank in which any money of the city shall be deposited, in which shall be entered all sums received by such bank to the credit of the treasurer, and all sums paid out on his checks and drafts, which books shall be written up, and the balance stated on the last day of each week, and at any other time when the mayor shall direct.

Bank accounts to be open for inspection.

And every member of the common council shall be entitled, during usual banking hours, to inspect the account of the treasurer with any bank in which deposits of money are made. The common council shall always have the right to order the deposits transferred to, and made in, any other bank or banks.

Checks, what to specify.

§ 114. Every check drawn by the city treasurer, and countersigned as hereinafter provided, shall specify the particular fund out of which the payment by such check is to be made.

By whom to be drawn and countersigned.

§ 115. No money placed to the credit of the treasurer in any bank shall be drawn out unless by a check signed by the treasurer and countersigned by the clerk, or by such other officer or person as the common council shall appoint or as is by this charter designated for that purpose; of which appointment notice shall be given to the banks

in which such deposits shall be made, and a copy of this section shall be delivered to the cashier of every such bank, before making deposits therein.

COUNTY TAXES.

County tax warrants.

§ 116. After the board of supervisors of the county of Monroe shall have equalized and corrected the assessment rolls of the city of Rochester, and shall have inserted therein the county taxes levied and assessed by them, they shall annex to each roll a warrant under the hands and seals of the chairman and clerk of the board of supervisors, commanding the treasurer of the county of Monroe to collect from the several persons named in said rolls the sums mentioned in the last column of each roll opposite their respective names, and authorizing the said treasurer, in case any person named in the roll shall refuse or neglect to pay his taxes before the fifteenth day of April next ensuing, to levy the same by distress and sale of goods and chattels of such person, and they shall, on or before the fifteenth day of January next ensuing, deliver the said rolls to said county treasurer.

Treasurer to give notice to taxpayers.

§ 117. Immediately after receiving such rolls and warrants, the county treasurer shall give public notice, by advertisement, in all the daily newspapers printed in the city of Rochester, that all persons named in said rolls are required to pay their taxes to him at his office before the fifteenth day of April then next, and stating the amount to be added if payments shall be delayed; the said treasurer shall receive the amount of any tax levied on said assessment rolls during the month of January and before the first day of February then next, without any addition thereto; if the same shall be paid on or after the first day of February and before the fifteenth day of February next succeeding the levying of said tax, he shall charge and receive an addition of one per cent; if paid on or after the fifteenth day of February and before the first day of March then next, an addition of two per cent; if paid on or after the first day of March and before the fifteenth day thereof, an addition of three per centum; if paid on or after the fifteenth day of March and before the first day of April then next, an addition of four per cent; if paid on or after the first day of April and before the fifteenth of April then next, an addition of five per cent.

Percentage.

Second notice to delinquent taxpayers.

§ 118. The said county treasurer shall also, immediately after the said first day of April, give public notice in two of the public newspapers of the said city, to be published in such papers ten days, notifying all persons who shall have omitted to pay their taxes to pay the same to him at his office before the fifteenth day of said month, and that in default thereof a warrant will be issued for the collection thereof according to law.

Tax warrants to collectors.

§ 119. It shall be the duty of the said county treasurer, upon all taxes so remaining unpaid on the fifteenth day of April next succeeding the completion of the said assessment rolls, to issue so many warrants as he shall deem proper, under his hand, each directed to any person whom he may see fit to appoint as collector of the taxes specified in such warrant, commanding such person, as such collector, to levy the amount of said tax, and an additional amount of five per cent, and also interest at the rate of twelve per cent per annum, from the said fifteenth day of April, besides the fees of such collector, by distress and sale of goods and chattels of the person against whom the said warrants shall be issued, or of any goods and chattels in his possession, wheresoever the same shall be found within said county, and

Collectors' fees.

to pay the same to the said county treasurer and return such warrant within twenty days after the date thereof; and no claim of property to be made to such goods and chattels so found in the possession of the said party shall be available to prevent a sale. After the return of any warrant the county treasurer, if he deem expedient, may issue a second or subsequent warrant for the taxes still remaining unpaid, with such percentage and interest and fees. Every collector shall hold his appointment during the pleasure of the county treasurer and may, at any time, be removed or suspended by him, and the county treasurer and his sureties shall be liable for any collector and for all money that may be collected or received by him. No warrant shall be delivered to any collector until he shall have executed and deposited with the county treasurer a bond to the said treasurer, with two or more sureties, approved by said treasurer, and acknowledged in the manner required for the recording of conveyances of real estate, and conditioned for the faithful performance of his duties as a collector of the taxes specified in such warrant, and for the faithful accounting and paying over to the treasurer of all moneys that he may collect or receive under such warrant. If any collector shall fail to return any warrant issued to him, as herein required, or shall fail to pay over to said treasurer all money collected or received by him, or shall fail to render a full and true account thereof, the supreme court, or any justice thereof, shall have jurisdiction, on proof by affidavit or otherwise, summarily to enforce such return, payment or accounting, or all, as the case may be, by attachment and proceedings thereon, in the same manner as if such collector was a sheriff or officer of that court; the interest and additional percentage shall be paid to the county treasurer with the tax, and shall be added to the contingent fund of said county. The said treasurer, immediately after receiving the bond of any collector, shall file the same in the office of the clerk of Monroe county, and the same shall be a lien upon the real estate of any person executing the same, situated in said county; said collectors shall have full power and authority to execute such warrants in any part of the county. If any such collector shall neglect and refuse to pay over any money collected by him, he shall be deemed guilty of a misdemeanor.

Second warrant.

Collectors' bonds.

Summary proceedings against delinquent collectors.

Bonds to be filed

Notice of sale.

§ 120. The said collectors shall give a public notice of the time and place of sale of the property to be sold, at least six days previous to the sale, by advertisement to be posted up in at least three public places in the ward or town where such sale shall be made. The sale shall be by public auction.

Proceeds of sale, how disposed of.

§ 121. If the property distrained shall be sold for more than the amount of the tax and percentage and interest, and the cost of such distress and sale, the surplus shall be returned to the person in whose possession such property was when distress was made, if no claim be made to such surplus by any other person; if any other person shall claim such surplus, on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner; but if such claim be contested by the person for whose tax the property was distrained, the surplus money shall be paid by the collector into the county treasury there to be retained as a special deposit until the rights of the parties shall be determined by due course of law.

Lands, how sold for county taxes.

§ 122. All lands upon which the said county taxes shall remain unpaid on the first day of June shall be liable to be sold for the taxes thereon in the following August, as provided by "An act to authorize

the treasurer of Monroe county to sell property for unpaid taxes," passed April six, eighteen hundred and seventy-seven.

TITLE VI.

SCHOOLS AND BOARD OF EDUCATION.

School districts.

§ 123. The several wards of the city of Rochester shall constitute one school district for all purposes except as herein otherwise provided, and the schools therein shall be free to all children between the ages of five and twenty-one years residing in such wards.

Title to school property.

§ 124. The title of the school-houses, sites, lots, furniture, books, apparatus, and appurtenances, and all other school property in this act mentioned, shall remain and continue to be in the said city of Rochester.

Sale of school houses, etc.

§ 125. The common council of said city may, upon the recommendation of the board of education hereinafter mentioned, sell any of the school-houses, lots or sites, or any other school property now or hereafter belonging to said city, upon such terms as the said common council may deem reasonable. The proceeds of such sales shall be paid to the treasurer of the city, and shall be by the said common council again expended in the purchase, repairs, or improvements of other school-houses, lots, sites or school furniture, apparatus or appurtenances.

Board of education.

§ 126. The commissioners of common schools in said city shall constitute a board to be styled "The Board of Education of the city of Rochester," which shall be a corporate body in relation to all the powers and duties conferred upon them by virtue of this act. They shall meet on the first Monday of each and every month, and as much oftener as they shall from time to time appoint; a majority of said board shall constitute a quorum for the transaction of business. The said board shall appoint one of their number president, who shall, when present, preside at all the meetings of said board, and shall have power to call special meetings of the board, in the manner prescribed by this act, for the calling of special meetings of the common council. In the absence of the president, the board shall appoint some other member to preside at such meetings and perform the duties of the president. No member of said board of education shall, during the period for which he was elected, be appointed to, or be competent to hold, any office of which the emoluments are paid from the city treasury or paid by fees directed to be paid by any act or ordinance of the board of education, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any ordinance, resolution or order of the board of education.

Quorum.

President.

Disqualification of members to hold other office.

Superintendent.

§ 127. The said commissioners shall appoint a city superintendent of common schools, who may hold his office during the pleasure of the board and whose compensation shall be fixed by the said board, and whose duties shall be prescribed by said board. The superintendent shall officiate as clerk of the board, and shall keep a record of the proceedings of the board. The said record or transcript thereof, certified by the president and clerk, shall be received in all courts as prima facie evidence of the facts therein set forth, and such records and all the books, accounts, vouchers and papers of said board shall at all times be subject to the inspection of the common council and of any committee thereof.

Policeman.

§ 128. The said commissioners may appoint a policeman who shall hold his office during the pleasure of said board, and whose salary shall be fixed and paid by the common council, from the funds raised for the use of the board of education, and who shall have the same powers

as the other policemen of said city, and shall perform such duties as said board of education may impose.

Tax. § 129. The common council of said city shall have the power, and it shall be their duty to raise from time to time by tax, to be levied equally upon all the real and personal estate in said city, which shall be liable to taxation for the ordinary city taxes, or for city or county charges, such sum or sums of money as may be necessary for any or all of the following purposes:

Sites. 1. To purchase, lease or improve sites for school-houses.

Buildings. 2. To build, purchase, lease, enlarge, improve, alter and repair school-houses, and their out-houses and appurtenances.

Apparatus. 3. To purchase, improve, exchange and repair school apparatus, books, furniture and appendages.

Fuel. 4. To procure fuel and defray the contingent expenses of the common schools.

Teachers' wages. 5. To pay the wages of teachers due after the application of the public moneys which may by law be appropriated and provided for that purpose, provided, nevertheless, that the tax to be levied as aforesaid and collected by virtue of this act shall be collected at the same time and in the same manner as the other city taxes.

Amount of tax limited. 6. The amount to be raised for teachers' wages and contingent expenses in any one year shall not be less than six dollars nor more than thirteen dollars per capita, based on the average daily attendance of resident pupils in the several public schools of said city, for the school year ending on the first day of May next preceding the levying of the general city taxes in each and every year. A sworn statement of such average daily attendance shall be made by the superintendent of schools according to the verified monthly reports of the principals of said schools. Nor shall the amount to be raised in any one year to lease, alter, improve and repair school-houses, and their out-houses and appurtenances, exceed five thousand dollars. Nor shall the amount raised in any one year to purchase and improve sites, and build or enlarge school-houses, exceed fifteen thousand dollars; and the common council of said city are authorized and directed, when necessary, to raise by loan, in anticipation of the taxes, the money to be raised, collected and levied as aforesaid.

School moneys to be paid to city treasurer. § 130. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said city, shall be paid to the city treasurer thereof, who, together with the sureties upon his official bond, shall be accountable therefor in the same manner as for other moneys of said city. The said city treasurer shall be liable to the same penalties for any official misconduct in relation to the said moneys as for any similar misconduct in relation to other moneys of said city.

Powers of board. § 131. The said board shall have power, and it shall be their duty, to—

Ward schools. 1. To establish and organize in the several wards of said city such and so many schools (including the common schools now existing therein) as they shall deem requisite and expedient, and to alter and discontinue the same.

School houses. 2. To hire school-houses and rooms and improve them as they may deem proper.

3. To alter, enlarge and improve and repair school-houses and appurtenances as they may deem advisable.

Apparatus. 4. To purchase, exchange, or improve and repair school apparatus, furniture and appendages and to defray their contingent expenses.

5. To have the custody and safe-keeping of the school-houses, out-houses, fences, books, furniture and appendages, and to see that the ordinances of the common council in relation thereto be observed. Custody of houses, etc.

6. To contract with, license and employ all teachers in said schools, and at their pleasure remove them. Teachers.

7. To pay the wages of such teachers out of the moneys appropriated and provided by law for the support of schools in said city, so far as the same shall be sufficient, and the residue thereof from the money authorized by this charter to be raised for that purpose by tax upon said city. Teachers' wages.

8. To defray the necessary contingent expenses of the board, including an annual salary to the superintendent. Contingent expenses.

9. To have, in all respects, the superintendence, supervision and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government, visitation and instruction, for the reception of pupils and their transfer from one school to another, and, generally, for the promotion of their good order, prosperity and public utility. Supervision of schools.

10. Whenever, in the opinion of the board, it may be advisable to sell any of the school-houses, lots or sites, or any of the school property now or hereafter belonging to the city, to report the same to the common council. Sale of houses, etc.

11. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe-keeping, care and preservation of the school-houses, lots and sites and appurtenances, and all the property, belonging to the city, connected with, or appertaining to, the schools, and to suggest proper penalties for the violation of such ordinances and regulations, and, annually, on or before the sixteenth day of May in each year, to determine and certify to said common council the sums, in their opinion, necessary or proper to be raised for the several purposes hereinbefore mentioned, specifying the sums required (for the year commencing on the first Monday of September thereafter), for each of the said purposes, and the reasons therefor. Regulations for care, etc., of school property.

12. On or before the second Tuesday of October in each year, to make and file with the county clerk, or such officer as may be designated by law, a report in writing, bearing date the first day of October in that year, and stating: Annual report, what to contain.

1. The number of school-houses in said city, and an account and description of all the common schools kept in said city during the preceding year, and the time they have been severally taught.

2. The number of children taught in said schools, respectively, on the last school day of September previous.

3. The whole amount of school moneys received by the city treasurer of said city during the year preceding, distinguishing the amount received from the county treasurers from the city tax and from any other source.

4. The manner in which such moneys have been expended, and whether any, and what part, remain unexpended, and for what cause.

5. The amount of money received for tuition fees from foreign pupils during the year and the amount paid for teachers' wages, in addition to the public moneys, and such other information relating to the common schools of the said city as may from time to time be required by the State superintendent of common schools.

Non-resident scholars.

§ 132. The said board of education shall have power to allow the children of persons not resident within the city to attend any of the schools of said city, under the care and control of said board, upon such terms as said board shall, by resolution, prescribe, fixing the tuition which shall be paid therefor.

Expenditures limited.

§ 133. It shall be the duty of said board in all their expenditures and contracts to have reference to the amount of moneys which shall be subject to their order during the then current year for the particular expenditure in question, and not to exceed that amount; and they shall apply the moneys raised and received by them for the support of common schools in said city, in such a manner as shall secure equal educational advantages to all the children over five and under twenty-one years of age, by continuing the schools in each district an equal period as near as may be.

Trustees of school libraries.

§ 134. The said board of commissioners shall be trustees of the school library, or libraries in said city, and all the provisions of the law, which are now or hereafter may be passed, relative to the district school libraries, shall apply to the said commissioners. They shall also be vested with the same discretion as to the disposition of all moneys appropriated by any laws of this State for the purchase of libraries which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide for the safe-keeping of the libraries. The city superintendent shall be the general librarian. The board shall also appoint a librarian for each school, to have the care of the books, and to superintend the letting out and return thereof. The several school librarians shall, from time to time, inform the general librarian of the state and condition of the libraries; and the said board, or the general librarian, under the direction or by the resolution of the said board, may make all purchases of books for the libraries, and provide for their equitable distribution among the schools, and exchange or cause to be repaired the damaged books belonging thereto, and also to sell any books which may be deemed useless, and apply the proceeds to the purchase of other books for said libraries.

Librarians.

Duty of.

Annual financial report.

§ 135. It shall be the duty of the said board, at least twenty days before the annual city election for commissioners in each year, to prepare and report to the common council true and correct statements of the receipts and disbursements of money under and in pursuance of provisions of this act, during the preceding year, in which account shall be stated under appropriate heads:

1. The moneys raised by the common council under the provisions of this title.

2. The school moneys received by the city treasurer from the county treasurer, or the State.

3. The moneys received by the common council under the provisions of this title.

4. All other moneys received by the city treasurer, subject to the order of the board, specifying the same, and sources.

5. The manner in which such sums of money shall have been expended, specifying the amount paid under each head of expenditure. And the common council shall, ten days before each election, cause the same to be published in at least two of the newspapers published in said city.

Ordinances for preservation, etc., of school property.

§ 136. The common council of the said city shall have the power to pass such ordinances and regulations as the said board of education may report as necessary or proper for the protection, safe-keeping, care and preservation of the school-houses, lots, sites, appurtenances and

appendages, libraries, and all necessary property belonging to, or connected with, the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in this charter; and all such penalties shall be collected in the same manner that the penalties for the violation of the city ordinances are by law collected, and when collected, shall be paid to the treasurer of the city, and be subject to the order of the board of education in the same manner as other moneys raised pursuant to this charter.

Common council to determine and certify amounts to be raised for schools.

§ 137. It shall be the duty of the common council, within fifteen days after receiving the certificate of the board of education, herein-before required, of the sums necessary or proper to be raised for school purposes, to determine and certify to said board of education the amount that will be raised by them for the year commencing on the first Monday of September thereafter, for the purposes mentioned in said certificate, distinguishing between the amount to be raised for teachers' wages and contingent expenses, and the amount to be raised for the repair of school-houses; and in case the said common council shall neglect or fail to certify to the board of education the amount that will be raised by them, within thirty days, as above specified, then the said common council shall raise the several amounts embraced in the certificate of the board of education, as specified therein, which amounts shall be subject to the disposal of the board of education.

School moneys to be deposited with city treasurer.

§ 138. All moneys required to be raised by virtue of this act or received by the said city, for or on account of the common schools, shall be deposited for the safe-keeping thereof with the city treasurer of the said city to the credit of the board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by draft drawn by the president and countersigned by the clerk of said board, payable to the order of the person or persons entitled to receive such moneys; and said city treasurer shall keep the funds authorized by this title to be received by him separate and distinct from any other fund which he is or may by law be authorized to receive.

General powers, etc.

§ 139. The said board of education shall possess all the powers and be subject to all the duties and responsibilities of trustees of common schools in the towns of this State, in respect to the schools mentioned in the last preceding section, so far as the same are applicable and are not inconsistent with this act, and shall pay the compensation of the teachers of the said schools, and all other expenses thereof, out of the moneys raised by tax under this act for the support of common schools.

Penalty for vote to misapply funds.

§ 140. No member of the board of education shall vote for the payment of any money out of any of the funds authorized to be raised by this title of the city charter, knowing that such fund is without money to pay the same; and any person violating this provision shall be guilty of a misdemeanor; and, upon conviction thereof, shall be fined not less than fifty dollars, nor more than one hundred dollars, or be imprisoned in the Monroe county penitentiary for the period of ten days. And the district attorney of the county of Monroe is hereby specially directed, and it shall be his duty, to prosecute all persons violating this provision upon the complaint of any tax payer of said city.

High school to be an academy.

§ 141. Whenever said board of education shall have established, in connection with the public schools of said city, a high school for the accommodation of pupils pursuing the branches of education usually taught in academies, the regents of the university of the State of New

York may, upon the application of said board of education, acknowledge and declare said high school to be an academy; and it shall thereafter be an academy, subject to such rules and regulations as said regents may prescribe; provided, however, that nothing in this section shall affect the rights and duties of said board of education, granted or imposed by this act, or the statutes of this State relating to common schools.

Proviso.

TITLE VII.

THE EXECUTIVE BOARD, STREETS AND IMPROVEMENTS.

Executive board.

§ 142. There shall be an executive board of the said city which shall consist of three members, who shall be electors and freeholders of the said city chosen by the electors of the city, each to hold his office for the term of three years commencing on the first Monday in April next after his election, except as hereinafter provided. The members now in office of the water-works and fire board, and of the executive board (both of which boards are merged in the executive board hereby created), shall be members of this executive board until the expiration of their terms of office respectively, and each shall continue to receive the same salary as heretofore.

Election of members of executive board.

§ 143. At the annual charter election in the year one thousand eight hundred and eighty, there shall be elected, by the electors of the whole city, one member of the executive board, who shall hold his office for the term of three years. At the annual charter election to be held in the year one thousand eight hundred and eighty-one, there shall be elected, by the electors of the whole city, two members of the executive board, one for the term of three years, and one for the term of one year, each voter designating on his ballot the person voted for as such member "for three years," and the person voted for as such member "for one year." The person receiving the greatest number of votes "for three years" shall be elected such member for three years, and the person receiving the greatest number of votes "for one year" shall be elected such member for one year. At every annual charter election thereafter, there shall be elected, by the electors of the whole city, one member of the executive board, who shall hold his office for the term of three years.

Term of office.

Term of office, when to commence.

§ 144. The term of office of every person so elected, as above provided, to be a member of the executive board, shall commence on the first Monday of April next after his election, and the period of a year, as hereinbefore applied to the terms of office of the members of the executive board, shall be construed as extending from and including the first Monday of April in one year to and excluding the first Monday of April in the next year thereafter.

Vacancies, how filled.

§ 145. Whenever a vacancy shall occur in such board a person shall be elected, by the electors of the whole city, to fill such vacancy, for the unexpired term, at the next charter election occurring more than ten days after the happening of the vacancy, except as hereinafter provided. If the vacancy shall happen more than one month before such charter election at which a person can be so elected to fill the vacancy, the mayor may appoint, subject to confirmation by the common council, a person to fill such vacancy until a person shall have been elected at such charter election for the whole unexpired term, and shall have duly qualified. But if the case should be one in which the unexpired term of the vacant office extends only to the first Monday of April next after such charter election, as aforesaid, then there shall not be

election, by the people, to fill the vacancy, but the person appointed by the mayor and confirmed by the common council shall hold the office for the whole unexpired term.

§ 146. No person shall be competent to hold the office of a member of the executive board unless he be an elector and freeholder of the city. Qualification of members.

§ 147. The salary of each member of the executive board, hereafter elected or appointed, shall be at the rate of two thousand dollars per annum. Salary.

§ 148. All the lawful expenses of the said board, and all the accounts and demands lawfully contracted by that board shall be by it examined, audited and settled and then certified to the common council for payment, and the same shall be paid by the common council out of the moneys funds raised for the executive board, excepting only that moneys to be disbursed for labor to the amount of not more than one thousand hundred dollars in any one week may be drawn by orders or warrants made by the executive board directly upon the city treasurer, who shall pay the same when there are funds for that purpose. Expenses to be certified to council. Amount to be disbursed weekly for labor.

§ 149. The executive board shall have sole power to let all contracts to be made by said city in pursuance of any ordinance, except such as is by law directed to be otherwise made, and shall superintend the execution of the same, and shall have the superintendence and control of all work or improvements ordered by the common council, and shall have control of the construction, improvement, repair and cleaning of streets, alleys, sewers and bridges, except bridges owned by the state of New York, and shall have control of the expenditure of the funds therefor; but whenever the expense of any such work or improvement shall be required to be defrayed by a local assessment the common council of said city shall alone have power to pass any ordinance therefor. The members of the said board shall give their entire time to the duties of the office, and they shall be the commissioners of highways of the said city. The executive board may appoint and at pleasure remove a superintendent of streets, fix his compensation and prescribe his duties. General powers of executive board.

§ 150. The executive board shall have control of the water-works of said city and of the construction of all extensions and additions, improvements and repairs of same, and of furnishing the water to citizens, and the care and repair of said works, and to the end shall have the powers granted to the board of water commissioners of said city by section three of chapter seven hundred and fifty-four of the laws of eighteen hundred and seventy-three, and they may make such rules and regulations and establish such rates for the use of water as they may deem proper. All moneys received from water rates or the use of water shall, at the close of each day, be paid to the city treasurer. Control of water-works.

§ 151. The executive board shall also have the care and control of the fire department of the said city and of the expense thereof. Fire department.

§ 152. The executive board may employ such assistance and establish such by-laws for its meetings and proceedings as it may see fit, provided they be not in conflict with any provisions of this charter or other law. Employees.

§ 153. Each member of the executive board shall take the oath of office required of other city officers within five days after being notified of his election or appointment; and a failure to do so shall be deemed a refusal to serve. Each of said members shall give a bond in such amount and with such sureties as the mayor may approve, conditioned for the faithful performance of his duties. Any member of the said Official oath. Bond.

board may be removed by the common council for official misconduct by a vote of two-thirds of all the members elected to the said council, but notice in writing shall be given of the charges made, and he shall have an opportunity of being heard in his defense. The said board shall make monthly reports to the common council of their expenditures and the condition of the funds under their control. They shall keep a record of their proceedings and of all receipts and expenditures, which shall be published in at least one daily paper in said city. On or before the first day of June in each year the said board shall present to the common council a statement of the moneys needed by such board for the fiscal year, specifying the purposes for which it shall be used. It shall be the duty of the common council, after receiving such statement, to raise such an amount of money as the common council may deem necessary for the said board, with the other general city taxes. Such moneys and the moneys received for water rates and the use of water shall only be paid out by the order of the common council on the certified resolutions or orders of the said executive board, except as otherwise provided.

Monthly reports.

Record of proceedings.

Yearly report.

Amount to be raised.

Clerk.

§ 154. The executive board shall have power to appoint a clerk of the board, to hold during its pleasure, and to fix his compensation, and he shall keep a record of all the proceedings of the board and perform such other duties as the board may prescribe.

penditures limited.

§ 155. The executive board shall not expend in any fiscal year a greater sum than twenty-five thousand dollars for extensions, additions and improvements of the water-works or lines of pipe in the care of the board, without the authority of the common council expressed by a resolution or order adopted by the concurring votes of a majority of all the aldermen. The streets and places of extensions and additions of water-pipe shall be, from time to time, recommended by the executive board to the common council, who shall have power to approve or alter the same, and the same shall not be otherwise constructed than as determined by the common council.

May purchase real estate.

§ 156. The executive board, with the concurrence of the common council, may purchase, and take title to the city of any property or real estate within or without the city limits which they may deem necessary or desirable for the protection or improvement of the water-works.

Entry on property to lay water pipes.

§ 157. The executive board of the city of Rochester, or their successors in office, may enter upon any road, street, bridge, highway or public square in said city for the purpose of laying down pipes for the conveyance of water, or constructing, repairing, altering, maintaining or extending any portion of the water-works of said city, and may, for said purpose, carry, conduct and maintain any aqueduct, pipes, or other work by them to be made, laid down or conducted, over, under, through or across any water-course, canal, street, bridge, railroad, highway or public square, in such a manner as not to obstruct travel or the free use thereof, only so far as may be necessary during the actual construction of work; provided, also, that such water-course, canal, street, railroad, highway or public square so entered upon shall be restored by them in as good condition as before.

Proviso.

Water rates.

§ 158. It shall be the duty of the said board, or their successors in office, and authority is hereby given them to fix and adjust, from time to time, in an equitable manner, the prices and rates which shall be paid to said city for the use and consumption of water supplied by water-works, and to collect and receive the amounts which shall become due for the same, and establish such needful regulations as shall

enable them to enforce collection of said water rates, if not paid when due, and also such other regulations as they may deem necessary for the management, maintenance or protection of said water-works, and to sue for and collect any and all penalties which may be imposed for violation of such regulations, provided that no penalty exceeding two hundred dollars shall be imposed for any violation. The proceeds of the water rates, in whatsoever manner collected for the use and consumption of said water, and all penalties collected shall be deposited with the treasurer of said city, and be reserved and used exclusively for the payment of operating expenses, salaries, repairs, maintenance or extension of said works, of the interest upon the water-bonds issued for construction of said works, or for further extension of the same, or for a sinking fund for payment of principal of said water-bonds, but for no other purpose whatever.

Regulations for collecting water rates, etc.

Proceeds, how to be applied.

§ 159. Any person who shall willfully do, or cause to be done, any act whereby any work, materials, or property whatsoever, erected or used by the city of Rochester, for or in connection with the water-works of said city, shall be impaired or injured, or shall divert, draw down or diminish the waters of Hemlock or Canadice lakes without authority of law, or shall in any way interrupt or prevent the flow of water through the water-mains, pipes, or service of said works, or shall throw, deposit, place, cast, pass or cause to be passed, cast, placed, deposited or thrown into the waters of said Hemlock or Canadice lakes, or into any reservoir, conduit, aqueduct or pipe belonging to said works, any dead animal, ordure or deleterious, offensive, filthy, impure or obstructing matter, thing or liquid, or who shall place any of said described matter, thing or liquid, so that the same may be washed or carried or flow into either of said lakes or any conduit, pipes or aqueducts supplied with water therefrom, shall be liable to prosecution for misdemeanor, and on conviction shall be punished by fine of not exceeding two hundred dollars, or imprisonment of not exceeding one year, or both.

Willful injuries to water works, etc., how punished.

§ 160. Any person who shall, without consent of the executive board or their authorized agents, tap, open, or connect with any water pipe, or open any hydrant, valve or stop-cock connected with said water-works without said consent, or the consent of other properly authorized parties, or shall leave open any valve, faucet, stop-cock or other fixture for continuous flow of water, and through which there shall be continuous flow, beyond what may be necessary for actual use, or the purposes required in connection with such hydrant, valve, faucet, stop-cock or other fixtures, shall be guilty of a misdemeanor, and be, on conviction, punished by fine of not exceeding two hundred dollars.

Misdemeanor to tap, etc., water pipes, etc., without authority.

§ 161. It shall be the duty of the said board on or before the first day of May, in each year, to make and deliver to the assessors of said city a complete statement of each and all unpaid water rates, with a description of the lot, building or real estate, and the name of the owner thereof where water has been used, for which water rates are and remain due and unpaid; whereupon the said water rates, and the amount thereof, together with ten per cent interest from the date when they were due, shall become a lien and tax upon said lot, building or real estate, in the same manner as other city taxes, and shall be collected in the same manner as is or may be prescribed by law for the collection of taxes for city purposes of the city of Rochester.

List of unpaid water rates to be delivered to assessors.

Amount and interest to become lien.

§ 162. In case the city of Rochester is unable to obtain by purchase the title to any lands, waters, lakes, springs, ponds or streams, or any easement in, or right of temporary occupation of such lands, waters,

Proceedings to acquire title to

lands for water purposes.

lakes, springs, ponds or streams, which may be necessary for the u the water-works of said city, or for the use and purposes of sewer of dumping rubbish and dirt, the executive board of said city shal and hereby is authorized, by and with the consent of the com council, to proceed to acquire such title or other rights in and to lands, waters and property, for and in behalf of said city, in the n ner prescribed in and by the act to authorize the formation of rail corporations, and to regulate the same, passed April second, eigh hundred and fifty, as heretofore amended, and for that purpose all provisions of the last-mentioned act, and of the acts amendatory ther are hereby made applicable to proceedings under this act. And case the said city of Rochester shall seek to acquire any lands or easement, water or other right of privilege in, or connected wi any lands which shall belong to any corporation having the right taking private property for a public use, commissioners of appra shall not be appointed, unless it shall appear to the court that the ti right, interest, water right, easement or privilege so sought to be quired, does not embrace any of the special corporate rights, privile or franchise granted to the corporation owning such lands or oth rights, nor any thing which is essential to the exercise and enjoym

Title to be acquired by city.

of such corporate rights and privileges. And in case commission are appointed by the court, the city of Rochester shall acquire greater or other rights by the proceedings than it would have acquir if the property, right or privilege sought had belonged to a private i dividual; and in the estimate of damages made by such commissione of appraisal, nothing shall be included for any corporate right, inte est, privilege or franchise of that corporation owning the property be taken, but the same shall be estimated precisely as if the proper belonged to some private individual.

Streets, etc., when to become public.

§ 163. Whenever any street, alley or lane shall have been opened and used as such by the public for the period of five years, the san shall thereby become a public street, alley or lane for all purposes, an the common council and executive board, respectively, shall have th same authority and jurisdiction over, and right and interest in, th same as they have by law over the other streets, alleys, lanes and high ways of the city.

Proceedings in case of encroachments on streets, etc.

§ 164. In every case where a street in said city has been, or shall be encroached upon by any fence, building or otherwise, the executiv board may cause the same to be surveyed, and the extent of such en croachment ascertained, and may by resolution, specifying the natur of such encroachment and the extent thereof, require the owner o owners, if known, and if unknown, the occupant or occupants of the premises so encroaching or adjoining such encroachment, to remove the same within such time as shall be specified in such resolution, which time shall not be less than ten days from the passage thereof. A copy of such resolution shall, within two days after the passage thereof, be served by or under the direction of the superintendent of streets, or such other person as the said board shall direct, upon the owner or owners, occupant or occupants of the premises aforesaid. If such removal shall not be made within the time specified in such resolution the owner or occupants of said premises upon whom a copy of such resolution shall have been served, as hereinbefore required, personally,

Penalty for not removing encroachment.

or by leaving it at his place of residence with some person of suitable age, shall forfeit to said city the sum of five dollars for each and every day after the time mentioned in said notice that such encroachment shall continue unremoved; and the said board may remove, or cause

removed, such encroachments, and may collect of such owner occupant all reasonable charges therefor, with costs, in any court having jurisdiction of civil actions, and upon a judgment rendered in such action, execution may issue against the person of the defendant in said action. But no encroachment upon any street, alley or lane of said city, however long continued, shall constitute an adverse possession to, or confer any rights upon, the person claiming thereunder, as against said city. This section and last preceding section shall apply to alleys as well as streets, and to obstructions as well as encroachments.

Proceedings in case encroachment is denied.

§ 165. If any person upon whom a copy of such resolution shall have been served shall, within five days after such service, file with the clerk of said city a notice that he or they deny such encroachment, the mayor or attorney of said city may apply to the county judge of Monroe county for a precept directed to the sheriff of said county, commanding him to summon twenty-four freeholders of said city, to be named in said precept, to meet at a certain day and place specified therein, not less than two days after the issuing thereof, to inquire into the premises. The said mayor or attorney shall give the person or persons denying such encroachment at least twenty-four hours' notice of the time and place at which such freeholders are to meet. On the day and at the place specified in such precept a jury of twelve persons shall be drawn by said judge from those so summoned, and who shall appear, which jury shall be sworn by said judge well and truly to inquire, whether any such encroachment has been made, to what extent, and by whom. The said county judge shall preside at such investigation, and shall decide all questions of law that may arise upon the evidence offered by either party thereto, and may give instructions to the jury as to the law of the case, as in civil actions. The jury shall hear the proofs and allegations that may be submitted by either party. If they shall find that any encroachment has been made, they shall make and subscribe a certificate in writing stating the particulars of such encroachment, and by whom made, which shall be filed by said judge, with a brief record of the proceedings made and subscribed by him, in the office of the clerk of said city. The person or persons so denying such encroachment, within ten days after the finding of such jury, that there is an encroachment, shall, under the penalty provided in the next preceding section, remove the same, or in case of neglect so to do, the executive board, or the superintendent of streets, may proceed to remove the same and collect the charges therefor in the manner provided in the next preceding section. If the jury find that no encroachment has been made they shall so certify.

Drawing of jury.

Fees of jurors and witnesses.

§ 166. The persons summoned as jurors, and the persons summoned and attending as witnesses, shall be entitled to the same fees as jurors and witnesses summoned to attend courts of record in this State. The party prevailing in such proceeding shall recover costs as against the other, which costs shall be ascertained and certified by the said judge, and collected by a warrant issued by him to the sheriff of the county of Monroe, commanding him to collect the same of the goods and chattels of the party against whom such warrant shall issue. Such costs shall consist of the sheriff's, jurors' and witnesses' fees, and such an amount as the said judge shall allow for attorney's fees, not exceeding twenty dollars.

Costs.

Proceedings may be removed into

§ 167. Any determination in the proceeding instituted by virtue of the foregoing sections may be removed to the supreme court by the party aggrieved thereby, by certiorari to be allowed by any judge of

supreme court by certiorari.

the supreme court, within thirty days from such determination, such certiorari in favor of any owner or occupant shall not be allo in favor of any owner or occupant, unless the party suing out same shall execute, with two sureties, to be approved by the ju allowing such certiorari, an undertaking conditioned to pay all c and damages against him on such certiorari, which undertaking sh be filed with the Monroe county clerk. The allowance of such cer rari, and the giving and filing of such undertaking shall stay all p ceedings under and by virtue of such determination from and af notice thereof to the mayor of said city. The return to such cert rari shall be made by said county judge, and the same shall be entitl to a preference over other cases on the calendar at any general te of the seventh judicial district. The court, upon the hearing of t same, may review any determination made by the said judge duri such proceeding, and the correctness of the finding of such jury. Co may be allowed as in other cases of certiorari.

County judge to make return.

Costs.

Power of common council.

§ 168. The common council shall have the power, subject to t restrictions and limitations hereinafter contained:

Sewers, etc.

1. To make or cause to be made sewers, tunnels, drains and vault arches and bridges, wells, pumps and reservoirs in any part of the cit and to make such ordinances for the regulation, protection and pr servation of the same, as may be deemed advisable.

Grading, etc., of streets.

2. To cause the grading, repairing, cleaning, macadamizing, plan ing or paving any of the streets, alleys, lanes, squares or walks in th said city, and the fencing of the public squares.

Opening of streets.

3. To lay out, make and open any street, alley, square, park or wal in the said city, and to cause any street, alley, square, park or wal already laid out or that may hereafter be laid out or used as such, t be opened or altered by widening or altering the course of the same whenever they shall judge the public good requires the same to be done

Discontinuance, etc., of streets.

4. The executive board, whenever authorized by the common coun cil, shall have the same power with respect to said city, to discontinu any street therein, as is now by law possessed by commissioners o highways of towns, with respect to roads in towns; and the same proceedings shall be had, and the same appeal shall lie, from the decision of the said executive board, and the same proceedings shall be had on such appeal, as are now provided by law in reference to towns, so far as applicable.

Deposits in Genesee river, removal of.

5. The common council shall also have power, from time to time, and at any time, to cause all or any accumulations of dirt, rubbish and deposits in any portion of the Genesee river, within the limits of said city, to be removed therefrom; and may defray the expense thereof in whole or in part, by assessment upon such lots and parcels of land in the said city as the common council may deem proper to be assessed therefor. The proceedings in such case shall be the same as are hereinafter provided in relation to public improvements the expense whereof is defrayed by local assessments, and the same proceedings shall be had after the delivery of the certified order of assessment, as are prescribed in relation to assessments for any such public improvement, and in relation to the collection and enforcement of the same, the lien thereof, and the sale of land for such assessments as may remain unpaid, and in relation to reassessment for any deficiency in the estimated expense.

Contractors to give bonds.

6. Whenever any contract shall be let for any public or local improvement, the contractor shall execute to the city of Rochester a bond or undertaking, in the sum of not less than the amount of the

tract (or to be fixed by the executive board, in such case amount indefinite) with three or more sureties, who shall be freeholders of the county of Monroe, each of whom shall, before being accepted, make oath and justify that he is worth the sum named in said bond or undertaking, over and above all debts and liabilities, and exclusive of property exempt from sale on execution. Or if the said amount shall exceed ten thousand dollars, each surety may so justify to any amount not less than five thousand dollars, provided the aggregate of the amounts to which the sureties so justify, severally, shall be at least equal to the amount of the contract. Such bond or undertaking, before being accepted, shall be approved, as to form and the sureties thereof, by the mayor; and no contract shall be binding on the city until a bond or undertaking so executed and approved shall be deposited with the mayor, to be safely kept in his office for the benefit of the parties secured thereby. Such bond or undertaking shall bind the contractor to pay, or cause to be paid, the wages and compensation of all laborers who shall be employed in work on or about such improvement, whether employed by him or any sub-contractor or employee. Actions and proceedings on such bond or undertaking shall be brought by and in the name of the laborer or laborers claiming to be secured thereby, and separate actions may be brought by each or any number united of such laborers, or one action by all; but the city shall not, in any manner, be liable or responsible by reason of such bond or undertaking, or for any costs or expenses of any action or proceedings thereon. No action shall be commenced on such bond or undertaking after six months from the time when the cause of action accrued; and after the expiration of six months from the time when the whole work contracted shall be accepted by the city, the said board, on application, shall, by resolution, declare such bond or undertaking canceled and discharged, except as to actions, appeals and proceedings then pending; and such bond or undertaking shall thereupon cease to have any binding force or effect, except as to pending cases as aforesaid.

Sureties to justify.

Bonds to be approved.

Conditioned for payment laborers' wages.

Actions on bonds.

Limitation.

7. The common council are hereby authorized to cause the whole or any part of any street in said city to be sprinkled with water, and may pay the expenses thereof by an assessment upon the lots or parcels of land fronting on such streets, or any specified part thereof, in proportion to the feet front thereon. The proceedings of said common council in relation to said work, and for the assessment and collection of the expense thereof, shall be conformed, as near as may be, to proceedings in relation to making local improvements and collecting the expense thereof, as now required from the persons owning or occupying the lots to be assessed.

Sprinkling of streets.

§ 169. The common council shall not lay out any street, alley, square, park or walk, or alter any such as may already be laid out or used, so as to run across or over the site of any building, at the time actually erected, which shall be of the value of five thousand dollars, without having obtained the consent of the owner of such building in writing, or without having purchased such building.

Limitation on right to lay out street, etc.

§ 170. Whenever, by order of the common council, any new street or alley shall be laid out, opened or worked in said city, or any other public improvement is to be made, it shall be the duty of the common council to determine what portion, if any, of the expense thereof ought to be paid from the public treasury, and what portion, if any, ought to be paid by a local assessment, and to direct that the whole expense to be paid by a local assessment be assessed upon all the lots and parcels of lands to be benefited thereby in proportion to the benefit

Local assessments for streets, etc.

Public works.

which each will derive therefrom. The common council may maintain, improve, embellish and protect any public park, square or area in said city, and grade, sewer and pave the streets and alleys, and make, grade and improve sidewalks about the same, or any part thereof. And they may cause the whole expense thereof to be assessed upon all the lots and parcels of land where the parks, squares or areas are situated, in proportion to the benefit which each lot or parcel will derive therefrom.

Certain improvements, etc., not to be made except on petition of majority of property owners.

§ 171. The common council shall not open or widen any street or alley, or make or ordain any work or improvement, the expense whereof is to be defrayed in whole or in part by a local assessment, except upon a petition of a majority of the owners of property to be assessed therefor, unless three-fourths of all the members elected to said common council vote therefor, after allegations have been heard. No improvement which shall be covered by letters patent shall be adopted, except upon the petition of two-thirds of all the owners of property to be assessed therefor.

Estimate to be made.

§ 172. Before the common council shall determine to make any such public improvement, they shall cause an estimate thereof to be made, and shall, by an entry in their minutes, describe the portion and part of the city which they deem proper to be assessed for the expense of such improvement. In cases where the taking of land is necessary, it shall not be necessary to include the damages and charges therefor in the estimated expense. They shall cause a notice to be published daily, in at least two of the daily newspapers printed in the city of Rochester, for four days, which notice shall specify such improvement, the estimated expense thereof, the amount, if any, to be paid from the public treasury, and the portion or part of the city to be assessed for the rest of the expense; and shall require all persons interested in the subject-matter of such improvement to attend the said council at the time appointed in such notice. At the time appointed in such notice, the said council shall proceed to hear the allegations of the owners and occupants of houses and lots situate within the portion or parts of the city so described as aforesaid, and, after hearing the same, shall make such further order in respect to such improvement as they shall deem proper. The executive board is hereby directed to cause a notice to be published in one or more of the daily papers of said city, at least ten days before the letting of any contract, for sealed proposals therefor, each to be accompanied by a bond signed by at least two responsible sureties, conditioned that the person making such bid, if it is accepted, will perform the work mentioned in such proposals and fulfill any contract that may be made with him; such bids shall be opened on the day named in such notice. Said board may let any contract as it deems for the best interest of tax payers, but it shall publish all bids received by it, and the persons to whom contracts are awarded. Neither the principal or sureties on any bid or bond shall have the right to withdraw or cancel the same until the board shall have let the contract for which such bid is made and the same shall have been duly executed. No contract shall be let for any improvement at a price greater than the estimate thereof made, as aforesaid.

Notice.

Owners to be heard before common council.

Notice of letting of contract.

Bids to be published.

Proceedings to take lands for streets, etc.

§ 173. Whenever the common council shall determine to make any of the improvements hereinbefore in this title specified, and that the lands of any person will be necessary for that purpose, they shall enter in their minutes a resolution or ordinance, declaring such determination, containing a description of the land so deemed necessary; and also of that part or portion of the said city which will be benefited by

said improvement. They may purchase the land so deemed necessary, of the owner thereof, and make him such compensation as they shall judge reasonable; and thereupon shall receive from such owner a conveyance of such land to the city.

Copy of resolution and map to be filed.

§ 174. In case no agreement for such purchase can be made, the common council shall cause a copy of such resolution, together with a map of the street, alley, square, park or other public improvement to be made and filed in the office of the city clerk, showing, on such map, the lots, tracts and parcels of land which are deemed necessary to be taken, and the commencement, course and termination of the road, street, park or alley proposed to be laid out, widened or altered, or of the sewer or other work or improvement proposed to be made on or through the land so to be taken.

Notice to be published.

§ 175. The common council shall cause to be published, for ten days, in a daily newspaper published in said city, a notice specifying and describing the land necessary for such public improvement and the portion of the city deemed to be benefited by the making thereof, and that an application will be made to the county court of the county of Monroe, or to a special term of the supreme court to be held in the seventh judicial district, at a time to be specified, for the appointment of commissioners to inquire into and to determine what damages and compensation the owner or owners of such land to be taken will be entitled to for the same. The common council shall, also, at least ten days before the time named for such application, cause a copy of such notice to be served upon each of the owners of the premises to be taken who are residents of the said city, or upon the occupants of such premises, either personally or by leaving the same at their several places of abode and upon the agent of any non-resident owner, provided such agent can then be found in said city, and his name shall have been entered in a book to be kept by the city clerk for that purpose.

Notice to be served on owners.

Appointment of commissioners of appraisal.

§ 176. At the term of the court in such notice specified, the said court, upon filing proof by affidavit of the publication and service of such notice as is in the last section specified, or upon sufficient reason being shown for the omission to serve such notice, and upon hearing the city by its attorney, and also the parties interested, if desired, shall appoint not less than three nor more than five commissioners of appraisal, who shall be freeholders of said city, not interested in any of the land described in such notice, nor of kin to any owner or occupant thereof.

Commissioners to be sworn.

To publish notice.

§ 177. The said commissioners, so appointed, shall be sworn faithfully to discharge their duties according to the provisions of this act, without favor or partiality. They shall give public notice by a notice published daily for ten days, in at least one of the newspapers authorized to publish corporation notices, of the time when, and place where they will meet to enter upon their duties. At the time appointed, or any other time or times to which they may adjourn, they shall proceed to view the lands and premises proposed to be taken, and they may examine witnesses on oath, to be administered by either of them, and shall appraise the damage which the owner or owners, and if there be any occupants who are not owners, which such occupants of the lands to be taken for such public improvements will severally sustain by being deprived thereof, and the compensation which they shall severally receive therefor.

To view lands, etc.

Report.

§ 178. The said commissioners shall, as soon as convenient, make their report under their hands, or the hands of a majority of them, to

the common council of said city, in which report they shall describe, with all practicable certainty, the several pieces and parcels of land, and the premises to be taken for such improvement, and the names and residences of the owner or owners thereof respectively, and the right of such owners so far as can be ascertained, and the amount of damages or compensation which should be paid to each of said owners and occupants. They shall also file duplicate copies of their report, one in the office of the city clerk and one, together with the testimony taken by them, in the office of the clerk of Monroe county. They shall be entitled to the sum of two dollars each as their compensation for each day on which they are actually and necessarily employed.

Copies to be filed.

Compensation.

Hearing before common council.

§ 179. Upon the filing of such report the said common council shall assign a time for hearing objections to the confirmation thereof, and at the time assigned shall hear the allegations of all persons interested, and may take proof in relation thereto from time to time, and shall confirm the said report, or may set the same aside and refer the matter to the same or to new commissioners to be appointed by the said court as before, who shall, thereupon, proceed as hereinbefore provided. But the common council may set aside said report and abandon said improvement at any time before the final confirmation of the assessment roll hereafter mentioned.

When lands may be taken.

§ 180. If such report is not appealed from in thirty days as hereafter provided, or whenever such report is finally confirmed, the common council may take the lands and premises specified in the report of such commissioners, and which have been determined by the common council to be necessary for such public improvement, on paying the amount of damages or compensation awarded to the owners or occupants thereof in such report, or depositing the same in some bank in the city of Rochester to the credit of the person to whom the same was awarded.

Money may be borrowed to pay damages.

§ 181. Whenever it shall be necessary the common council may borrow the whole or any portion of the damages so to be paid, and may cause to be executed, to secure the same, the note or other obligations of said city.

When damages may be set off against assessments for benefits.

§ 182. When any damages shall be awarded and any assessment for benefits of the improvements, in respect to which such damages are awarded, shall be made upon the same person or persons, or in respect to the ownership of any entire parcel of land, a part of which shall be taken for such improvement in that case the said city of Rochester shall become vested with the title of such land (free from all incumbrances) upon paying or depositing, according to law, the excess of the amount so awarded, over and above the amount so assessed.

Appeal.

§ 183. Any person considering himself aggrieved by any part of such report may, within thirty days after such confirmation, serve upon the mayor of said city a notice of appeal to the supreme court from the report and determination of said commissioners, and shall accompany such notice with a bond, executed to the said city by two or more sureties, to be approved by the mayor of the said city, or the county judge of Monroe county, in the penalty of one thousand dollars, conditioned for the diligent prosecution of the said appeal, and for the payment of all costs and charges which may be incurred by the said city in resisting the same and defending the said report, in case the same shall be confirmed. A copy of such notice shall also be served at the same time upon the county clerk of Monroe county.

Stay of proceedings.

§ 184. The giving of such notice and delivering such bond shall suspend all further proceedings by the common council in relation to the

taking of the lands and tenements, which shall be the subject of such notice, until a decision thereon, as hereinafter provided.

County clerk to certify proceedings to supreme court.

§ 185. The county clerk of Monroe county shall forthwith, after service of such notice upon him, certify to said supreme court a copy of the report of said commissioners, with the proceedings and evidence had before them, filed with him by said commissioners.

Appeal, when heard.

§ 186. At any general or special term of the supreme court held in the seventh judicial district, the said appeal may be brought to hearing before said court upon eight days' notice given to or by the said appellant.

Court to pass upon questions of law and fact.

§ 187. The said court shall consider the said appeal and examine all questions of law or of fact that may be involved therein, and shall give the same a preference over other causes, and shall confirm, annul or modify such report as the said court shall deem just. In case of annulling the said report the said court may direct a rehearing before the same or other commissioners to be appointed by it, and in such case the same proceedings shall be had on such rehearing and for the examination, correction and review of any subsequent report as are hereinbefore provided. The said court may direct that any other party beside said appellant and said city be heard before the decision of such appeal, when it shall appear that such party has any interest to be affected by the determination of said court.

May direct rehearing.

If heard at special term, appeal may be taken.

§ 188. In case such appeal shall be brought to hearing at a special term of said court, either party affected by the order of said special term may appeal therefrom to the general term of said court within ten days after notice of such order, by serving a notice of appeal in the usual manner of serving notices of appeal in said court, and if a party other than said city, by giving a bond conditioned and approved as is provided in section one hundred and seventy-five of this act, the said appeal shall be heard by the general term in the same manner as provided in the next preceding section, and the decision of said general term shall be final and conclusive.

Liability of bondsmen.

§ 189. In case the said report so made shall be confirmed in the supreme court, either at the special term, or by the general term on appeal, the obligors in the bond given to the said city, as before provided, shall be liable to pay to said city the same costs as are allowed upon appeal in civil actions, to be adjusted by the clerk of Monroe county; and in case the said report shall be corrected or modified, the supreme court shall determine, under the circumstances of the case, whether the applicant shall be entitled to his costs and expenses; and if the same be awarded to such applicant, they shall be the same as are allowed to said city, and be paid on adjustment by said clerk, by the common council of said city, as part of the contingent expenses thereof.

Assessment for damages, etc.

§ 190. Whenever the amount of damages for taking any lands and premises aforesaid shall be finally ascertained and fixed in the manner herein provided, the common council may order that the assessors, if not interested in any of the property to be taken, and not of kin to any person to be assessed therefor, shall proceed to apportion and assess the estimated expense of the improvement or the portion thereof to be assessed as aforesaid, with the amount of such damages, and all the costs and charges of the city in the proceedings, upon the lots and parcels of land within the territory deemed by the resolution of the common council to be benefited by such improvement, as near as may be in proportion to the benefit which each shall be deemed to receive thereby. Before making such order the common council shall, by a published notice of at least four days, give the parties interested an opportunity to be heard.

Assessment roll.

§ 191. Upon such order, the said assessors shall, as speedily as may be, make and report to the common council an assessment roll made in the usual form, in which roll they shall specify and set down in separate columns the names of all persons assessed, the description of the lots and parcels of land assessed, the amount to which each person shall be assessed, the amount of damages, if any, to which such persons are respectively entitled by the award of the commissioners, and the amount of the excess, if any, to be collected, which roll shall be delivered to the city clerk.

Hearing before common council.

§ 192. Upon such assessment roll being made and filed, the common council shall assign a time when they will proceed to hear any complaints or appeals from the said assessment.

Who to be heard.

§ 193. At the time appointed for that purpose, and at other times to which the hearing may be adjourned, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may amend and correct the said assessment roll in whole or in part, or may set the same aside and direct a new assessment, either by the same assessors or by such other persons as they may designate, and in such case the same proceedings shall be had as are herein provided on the first assessment; or the common council may ratify and confirm such assessment without any corrections or with such as they may deem proper.

Mayor's warrant.

§ 194. When the said assessment shall have been confirmed, the mayor shall annex his warrant thereto, and the same shall thereupon be delivered to, and be collected by the city treasurer, with fees of collecting added, as is prescribed in this title.

When damages to be paid or deposited.

§ 195. Whenever the amount of any damages for taking any lands as aforesaid shall be finally ascertained and fixed and the assessment roll shall have been finally confirmed, the common council shall, within four months thereafter, pay the amount of such damages to the owners and occupants of lands and tenements, or to persons having any liens thereon, to whom the same shall have been allowed, or deposit the same as hereinbefore provided; and in case such owners be unknown, non-residents of the said city, married women, infants, idiots or lunatics, or the right and interests of persons claiming the same shall, in the opinion of the said common council, be doubtful, it shall be lawful for the common council in any such case to direct the amount of such damages to remain with the treasurer of said city, and it shall be the duty of such treasurer to credit the same to the parcel of land so taken, for the benefit of whomsoever may be entitled to the same.

Lands not to be taken till damages are paid or deposited.

§ 196. Until such damages shall be paid or said deposit made, or direction given, it shall not be lawful for the common council, or any of their officers or agents, to take or enter upon any lands or tenements for the taking of which any such damages shall have been allowed. But the said city shall not become obligated to take any such lands or tenements, nor to pay or deposit such damages therefor, nor shall the owners, occupants, or other persons having any liens thereupon, acquire any right to such damages, nor to be paid therefor, until the final confirmation of said assessment roll, as is hereinbefore provided.

Proceedings in case owner is an infant.

§ 197. Where it shall be known to, or discovered by, the common council that the owner of any real estate or building appropriated in making any of the improvements herein provided for is an infant, a guardian for him or her shall be appointed by the county court, to act for such infant in the premises, which guardian shall be a responsible person, approved by the county judge. It shall be the duty of the

court to appoint such guardian on application of the mayor or attorney of the city, or of the infant, or some person acting in his or her behalf, and which guardian, when so appointed, shall see that the rights of such infant or infants are protected.

Assessment for improvements not requiring the taking of land.

§ 198. Whenever the common council shall determine that the whole or any part of the expenses of any improvement not requiring the taking of any land by said city shall be defrayed by an assessment on the real estate to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining, as they think proper, the estimated expense of such improvement, they shall declare whether the whole or what portion thereof shall be assessed on such real estate, specifying the estimated expense and the portion of the city which they deem will be benefited by the improvement; when the estimate of the expense of such improvement to be assessed shall exceed, in the aggregate, the sum of two thousand dollars, the expense of such improvement to be assessed may be paid one-third in cash, and the balance in the city's notes at one and two years, with interest not exceeding six per centum payable annually, and the city may get its notes discounted for a period not exceeding one year, with which to make such first payment. When such improvement is completed, the entire expense thereof and connected therewith shall be ascertained by the city treasurer, together with the interest paid or to be paid on the orders or notes issued by the city to pay the expenses of such improvement, and interest on such sum shall be reckoned to the time the last installment of such assessment shall become due. The aggregate amount shall thereupon be reported to the common council, they to adjust and report to the assessors the amount to be assessed upon the property benefited as hereinafter provided, and it shall fix the time and place when such assessors shall meet for that purpose. Persons so assessed who shall make any payment previous to the maturity of said last installment therein, shall be entitled to a discount at the rate of six per centum; the common council may determine, at the time of fixing such amount to be assessed, if the sum shall exceed two thousand dollars, that the tax payers pay their assessments in not more than three equal payments, one-third within thirty days from the time that the treasurer shall advertise the same as hereinafter provided; one-third within one year, and one-third within two years from the confirmation of such roll. And in case the amount to be assessed, ascertained as aforesaid, shall exceed ten thousand dollars, the common council may determine as aforesaid that the tax payers may pay their assessments in not more than five equal payments, one within thirty days from the time that the treasurer shall advertise the same as hereinafter provided, and the balance within one, two, three and four years respectively, after such confirmation. The city treasurer may, in his discretion, issue his warrant for the collection of any part of such assessment that may have become due.

How paid.

To be assessed on property benefited.

Discount on payment before maturity.

Annual payments in case amount exceeds $10,000.

Assessment, how to be made.

§ 199. The common council shall thereupon make an order reciting the amount of expenses to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, and directing the assessors, if they are not interested in any of the property so benefited, and not of kin to any person so interested, or if any two of them are not so interested or of kin, then directing such two to make an assessment upon all the lots and parcels of land within the portion or part so designated, of the amount of expense in proportion, as nearly as may be, to the advantage which each shall be deemed to receive by the making of such improvement, which order shall be cer-

lands for water purposes.

lakes, springs, ponds or streams, which may be necessary for the use of the water-works of said city, or for the use and purposes of sewers, or of dumping rubbish and dirt, the executive board of said city shall be and hereby is authorized, by and with the consent of the common council, to proceed to acquire such title or other rights in and to such lands, waters and property, for and in behalf of said city, in the manner prescribed in and by the act to authorize the formation of railroad corporations, and to regulate the same, passed April second, eighteen hundred and fifty, as heretofore amended, and for that purpose all the provisions of the last-mentioned act, and of the acts amendatory thereof, are hereby made applicable to proceedings under this act. And in case the said city of Rochester shall seek to acquire any lands or any easement, water or other right of privilege in, or connected with, any lands which shall belong to any corporation having the right of taking private property for a public use, commissioners of appraisal shall not be appointed, unless it shall appear to the court that the title, right, interest, water right, easement or privilege so sought to be acquired, does not embrace any of the special corporate rights, privileges or franchise granted to the corporation owning such lands or other rights, nor any thing which is essential to the exercise and enjoyment of such corporate rights and privileges. And in case commissioners are appointed by the court, the city of Rochester shall acquire no greater or other rights by the proceedings than it would have acquired if the property, right or privilege sought had belonged to a private individual; and in the estimate of damages made by such commissioners of appraisal, nothing shall be included for any corporate right, interest, privilege or franchise of that corporation owning the property to be taken, but the same shall be estimated precisely as if the property belonged to some private individual.

Title to be acquired by city.

Streets, etc., when to become public.

§ 163. Whenever any street, alley or lane shall have been opened to and used as such by the public for the period of five years, the same shall thereby become a public street, alley or lane for all purposes, and the common council and executive board, respectively, shall have the same authority and jurisdiction over, and right and interest in, the same as they have by law over the other streets, alleys, lanes and highways of the city.

Proceedings in case of encroachments on streets, etc.

§ 164. In every case where a street in said city has been, or shall be, encroached upon by any fence, building or otherwise, the executive board may cause the same to be surveyed, and the extent of such encroachment ascertained, and may by resolution, specifying the nature of such encroachment and the extent thereof, require the owner or owners, if known, and if unknown, the occupant or occupants of the premises so encroaching or adjoining such encroachment, to remove the same within such time as shall be specified in such resolution, which time shall not be less than ten days from the passage thereof. A copy of such resolution shall, within two days after the passage thereof, be served by or under the direction of the superintendent of streets, or such other person as the said board shall direct, upon the owner or owners, occupant or occupants of the premises aforesaid. If such removal shall not be made within the time specified in such resolution the owner or occupants of said premises upon whom a copy of such resolution shall have been served, as hereinbefore required, personally, or by leaving it at his place of residence with some person of suitable age, shall forfeit to said city the sum of five dollars for each and every day after the time mentioned in said notice that such encroachment shall continue unremoved; and the said board may remove, or cause

Penalty for not removing encroachment.

to be removed, such encroachments, and may collect of such owner or occupant all reasonable charges therefor, with costs, in any court having jurisdiction of civil actions, and upon a judgment rendered in such action, execution may issue against the person of the defendant in said action. But no encroachment upon any street, alley or lane of said city, however long continued, shall constitute an adverse possession to, or confer any rights upon, the person claiming thereunder, as against said city. This section and last preceding section shall apply to alleys as well as streets, and to obstructions as well as encroachments.

Proceedings in case encroachment is denied.

§ 165. If any person upon whom a copy of such resolution shall have been served shall, within five days after such service, file with the clerk of said city a notice that he or they deny such encroachment, the mayor or attorney of said city may apply to the county judge of Monroe county for a precept directed to the sheriff of said county, commanding him to summon twenty-four freeholders of said city, to be named in said precept, to meet at a certain day and place specified therein, not less than two days after the issuing thereof, to inquire into the premises. The said mayor or attorney shall give the person or persons denying such encroachment at least twenty-four hours' notice of the time and place at which such freeholders are to meet. On the day and at the place specified in such precept a jury of twelve persons shall be drawn by said judge from those so summoned, and who shall appear, which jury shall be sworn by said judge well and truly to inquire, whether any such encroachment has been made, to what extent, and by whom. Said county judge shall preside at such investigation, and shall decide all questions of law that may arise upon the evidence offered by either party thereto, and may give instructions to the jury as to the law of the case, as in civil actions. The jury shall hear the proofs and allegations that may be submitted by either party. If they shall find that any encroachment has been made, they shall make and subscribe a certificate in writing stating the particulars of such encroachment, and by whom made, which shall be filed by said judge, with a brief record of the proceedings made and subscribed by him, in the office of the clerk of said city. The person or persons so denying such encroachment, within ten days after the finding of such jury, that there is an encroachment, shall, under the penalty provided in the next preceding section, remove the same, or in case of neglect so to do, the executive board, or the superintendent of streets, may proceed to remove the same and collect the charges therefor in the manner provided in the next preceding section. If the jury find that no encroachment has been made they shall so certify.

Drawing of jury.

Fees of jurors and witnesses.

§ 166. The persons summoned as jurors, and the persons summoned and attending as witnesses, shall be entitled to the same fees as jurors and witnesses summoned to attend courts of record in this State. The party prevailing in such proceeding shall recover costs as against the other, which costs shall be ascertained and certified by the said judge, and collected by a warrant issued by him to the sheriff of the county of Monroe, commanding him to collect the same of the goods and chattels of the party against whom such warrant shall issue. Such costs shall consist of the sheriff's, jurors' and witnesses' fees, and such an amount as the said judge shall allow for attorney's fees, not exceeding twenty dollars.

Costs.

Proceedings may be removed into

§ 167. Any determination in the proceeding instituted by virtue of the foregoing sections may be removed to the supreme court by the party aggrieved thereby, by certiorari to be allowed by any judge of

Supreme court by certiorari.

the supreme court, within thirty days from such determination, but such certiorari in favor of any owner or occupant shall not be allowed in favor of any owner or occupant, unless the party suing out the same shall execute, with two sureties, to be approved by the judge allowing such certiorari, an undertaking conditioned to pay all costs and damages against him on such certiorari, which undertaking shall be filed with the Monroe county clerk. The allowance of such certiorari, and the giving and filing of such undertaking shall stay all proceedings under and by virtue of such determination from and after notice thereof to the mayor of said city. The return to such certiorari shall be made by said county judge, and the same shall be entitled to a preference over other cases on the calendar at any general term of the seventh judicial district. The court, upon the hearing of the same, may review any determination made by the said judge during such proceeding, and the correctness of the finding of such jury. Costs may be allowed as in other cases of certiorari.

County judge to make return.

Costs.

Power of common council.

§ 168. The common council shall have the power, subject to the restrictions and limitations hereinafter contained:

Sewers, etc.

1. To make or cause to be made sewers, tunnels, drains and vaults, arches and bridges, wells, pumps and reservoirs in any part of the city, and to make such ordinances for the regulation, protection and preservation of the same, as may be deemed advisable.

Grading, etc., of streets.

2. To cause the grading, repairing, cleaning, macadamizing, planking or paving any of the streets, alleys, lanes, squares or walks in the said city, and the fencing of the public squares.

Opening of streets.

3. To lay out, make and open any street, alley, square, park or walk in the said city, and to cause any street, alley, square, park or walk already laid out or that may hereafter be laid out or used as such, to be opened or altered by widening or altering the course of the same, whenever they shall judge the public good requires the same to be done.

Discontinuance, etc., of streets.

4. The executive board, whenever authorized by the common council, shall have the same power with respect to said city, to discontinue any street therein, as is now by law possessed by commissioners of highways of towns, with respect to roads in towns; and the same proceedings shall be had, and the same appeal shall lie, from the decision of the said executive board, and the same proceedings shall be had on such appeal, as are now provided by law in reference to towns, so far as applicable.

Deposits in Genesee river, removal of.

5. The common council shall also have power, from time to time, and at any time, to cause all or any accumulations of dirt, rubbish and deposits in any portion of the Genesee river, within the limits of said city, to be removed therefrom; and may defray the expense thereof in whole or in part, by assessment upon such lots and parcels of land in the said city as the common council may deem proper to be assessed therefor. The proceedings in such case shall be the same as are hereinafter provided in relation to public improvements the expense whereof is defrayed by local assessments, and the same proceedings shall be had after the delivery of the certified order of assessment, as are prescribed in relation to assessments for any such public improvement, and in relation to the collection and enforcement of the same, the lien thereof, and the sale of land for such assessments as may remain unpaid, and in relation to reassessment for any deficiency in the estimated expense.

Contractors to give bonds.

6. Whenever any contract shall be let for any public or local improvement, the contractor shall execute to the city of Rochester a bond or undertaking, in the sum of not less than the amount of the

contract (or to be fixed by the executive board, in such case amount be indefinite) with three or more sureties, who shall be freeholders of the county of Monroe, each of whom shall, before being accepted, make oath and justify that he is worth the sum named in said bond or undertaking, over and above all debts and liabilities, and exclusive of property exempt from sale on execution. Or if the said amount shall exceed ten thousand dollars, each surety may so justify to any amount not less than five thousand dollars, provided the aggregate of the amounts to which the sureties so justify, severally, shall be at least the amount of the contract. Such bond or undertaking, before being accepted, shall be approved, as to form and the sureties thereof, by the mayor; and no contract shall be binding on the city until a bond or undertaking so executed and approved shall be deposited with the mayor, to be safely kept in his office for the benefit of the parties secured thereby. Such bond or undertaking shall bind the contractor to pay, or cause to be paid, the wages and compensation of all laborers who shall be employed in work on or about such improvement, whether employed by him or any sub-contractor or employee. Actions and proceedings on such bond or undertaking shall be brought by and in the name of the laborer or laborers claiming to be secured thereby, and separate actions may be brought by each or any number united of such laborers, or one action by all; but the city shall not, in any manner, be liable or responsible by reason of such bond or undertaking, or for any costs or expenses of any action or proceedings thereon. No action shall be commenced on such bond or undertaking after six months from the time when the cause of action accrued; and after the expiration of six months from the time when the whole work contracted shall be accepted by the city, the said board, on application, shall, by resolution, declare such bond or undertaking canceled and discharged, except as to actions, appeals and proceedings then pending; and such bond or undertaking shall thereupon cease to have any binding force or effect, except as to pending cases as aforesaid.

Sureties to justify.

Bonds to be approved.

Conditioned for payment laborers' wages.

Actions on bonds.

Limitation.

7. The common council are hereby authorized to cause the whole or any part of any street in said city to be sprinkled with water, and may pay the expenses thereof by an assessment upon the lots or parcels of land fronting on such streets, or any specified part thereof, in proportion to the feet front thereon. The proceedings of said common council in relation to said work, and for the assessment and collection of the expense thereof, shall be conformed, as near as may be, to proceedings in relation to making local improvements and collecting the expense thereof, as now required from the persons owning or occupying the lots to be assessed.

Sprinkling of streets.

§ 169. The common council shall not lay out any street, alley, square, park or walk, or alter any such as may already be laid out or used, so as to run across or over the site of any building, at the time actually erected, which shall be of the value of five thousand dollars, without having obtained the consent of the owner of such building in writing, or without having purchased such building.

Limitation on right to lay out street, etc.

§ 170. Whenever, by order of the common council, any new street or alley shall be laid out, opened or worked in said city, or any other public improvement is to be made, it shall be the duty of the common council to determine what portion, if any, of the expense thereof ought to be paid from the public treasury, and what portion, if any, ought to be paid by a local assessment, and to direct that the whole expense to be paid by a local assessment be assessed upon all the lots and parcels of lands to be benefited thereby in proportion to the benefit

Local assessments for streets, etc.

Public works.

which each will derive therefrom. The common council may maintain, improve, embellish and protect any public park, square or area in said city, and grade, sewer and pave the streets and alleys, and make, grade and improve sidewalks about the same, or any part thereof. And they may cause the whole expense thereof to be assessed upon all the lots and parcels of land where the parks, squares or areas are situated, in proportion to the benefit which each lot or parcel will derive therefrom.

Certain improvements, etc., not to be made except on petition of majority of property owners.

§ 171. The common council shall not open or widen any street or alley, or make or ordain any work or improvement, the expense whereof is to be defrayed in whole or in part by a local assessment, except upon a petition of a majority of the owners of property to be assessed therefor, unless three-fourths of all the members elected to said common council vote therefor, after allegations have been heard. No improvement which shall be covered by letters patent shall be adopted, except upon the petition of two-thirds of all the owners of property to be assessed therefor.

Estimate to be made.

§ 172. Before the common council shall determine to make any such public improvement, they shall cause an estimate thereof to be made, and shall, by an entry in their minutes, describe the portion and part of the city which they deem proper to be assessed for the expense of such improvement. In cases where the taking of land is necessary, it shall not be necessary to include the damages and charges therefor in the estimated expense. They shall cause a notice to be published daily, in at least two of the daily newspapers printed in the city of Rochester, for four days, which notice shall specify such improvement, the estimated expense thereof, the amount, if any, to be paid from the public treasury, and the portion or part of the city to be assessed for the rest of the expense; and shall require all persons interested in the subject-matter of such improvement to attend the said council at the time appointed in such notice. At the time appointed in such notice, the said council shall proceed to hear the allegations of the owners and occupants of houses and lots situate within the portion or parts of the city so described as aforesaid, and, after hearing the same, shall make such further order in respect to such improvement as they shall deem proper. The executive board is hereby directed to cause a notice to be published in one or more of the daily papers of said city, at least ten days before the letting of any contract, for sealed proposals therefor, each to be accompanied by a bond signed by at least two responsible sureties, conditioned that the person making such bid, if it is accepted, will perform the work mentioned in such proposals and fulfill any contract that may be made with him; such bids shall be opened on the day named in such notice. Said board may let any contract as it deems for the best interest of tax payers, but it shall publish all bids received by it, and the persons to whom contracts are awarded. Neither the principal or sureties on any bid or bond shall have the right to withdraw or cancel the same until the board shall have let the contract for which such bid is made and the same shall have been duly executed. No contract shall be let for any improvement at a price greater than the estimate thereof made, as aforesaid.

Notice.

Owners to be heard before common council.

Notice of letting of contract.

Bids to be published.

Proceedings to take lands for streets, etc.

§ 173. Whenever the common council shall determine to make any of the improvements hereinbefore in this title specified, and that the lands of any person will be necessary for that purpose, they shall enter in their minutes a resolution or ordinance, declaring such determination, containing a description of the land so deemed necessary; and also of that part or portion of the said city which will be benefited by

said improvement. They may purchase the land so deemed necessary, of the owner thereof, and make him such compensation as they shall judge reasonable; and thereupon shall receive from such owner a conveyance of such land to the city.

Copy of resolution and map to be filed.

§ 174. In case no agreement for such purchase can be made, the common council shall cause a copy of such resolution, together with a map of the street, alley, square, park or other public improvement to be made and filed in the office of the city clerk, showing, on such map, the lots, tracts and parcels of land which are deemed necessary to be taken, and the commencement, course and termination of the road, street, park or alley proposed to be laid out, widened or altered, or of the sewer or other work or improvement proposed to be made on or through the land so to be taken.

Notice to be published.

§ 175. The common council shall cause to be published, for ten days, in a daily newspaper published in said city, a notice specifying and describing the land necessary for such public improvement and the portion of the city deemed to be benefited by the making thereof, and that an application will be made to the county court of the county of Monroe, or to a special term of the supreme court to be held in the seventh judicial district, at a time to be specified, for the appointment of commissioners to inquire into and to determine what damages and compensation the owner or owners of such land to be taken will be entitled to for the same. The common council shall, also, at least ten days before the time named for such application, cause a copy of such notice to be served upon each of the owners of the premises to be taken who are residents of the said city, or upon the occupants of such premises, either personally or by leaving the same at their several places of abode and upon the agent of any non-resident owner, provided such agent can then be found in said city, and his name shall have been entered in a book to be kept by the city clerk for that purpose.

Notice to be served on owners.

Appointment of commissioners of appraisal.

§ 176. At the term of the court in such notice specified, the said court, upon filing proof by affidavit of the publication and service of such notice as is in the last section specified, or upon sufficient reason being shown for the omission to serve such notice, and upon hearing the city by its attorney, and also the parties interested, if desired, shall appoint not less than three nor more than five commissioners of appraisal, who shall be freeholders of said city, not interested in any of the land described in such notice, nor of kin to any owner or occupant thereof.

Commissioners to be sworn.

To publish notice.

To view lands, etc.

§ 177. The said commissioners, so appointed, shall be sworn faithfully to discharge their duties according to the provisions of this act, without favor or partiality. They shall give public notice by a notice published daily for ten days, in at least one of the newspapers authorized to publish corporation notices, of the time when, and place where they will meet to enter upon their duties. At the time appointed, or any other time or times to which they may adjourn, they shall proceed to view the lands and premises proposed to be taken, and they may examine witnesses on oath, to be administered by either of them, and shall appraise the damage which the owner or owners, and if there be any occupants who are not owners, which such occupants of the lands to be taken for such public improvements will severally sustain by being deprived thereof, and the compensation which they shall severally receive therefor.

Report.

§ 178. The said commissioners shall, as soon as convenient, make their report under their hands, or the hands of a majority of them, to

the common council of said city, in which report they shall describe, with all practicable certainty, the several pieces and parcels of land, and the premises to be taken for such improvement, and the names and residences of the owner or owners thereof respectively, and the right of such owners so far as can be ascertained, and the amount of damages or compensation which should be paid to each of said owners and occupants. They shall also file duplicate copies of their report, one in the office of the city clerk and one, together with the testimony taken by them, in the office of the clerk of Monroe county. They shall be entitled to the sum of two dollars each as their compensation for each day on which they are actually and necessarily employed.

Copies to be filed.

Compensation.

Hearing before common council.

§ 179. Upon the filing of such report the said common council shall assign a time for hearing objections to the confirmation thereof, and at the time assigned shall hear the allegations of all persons interested, and may take proof in relation thereto from time to time, and shall confirm the said report, or may set the same aside and refer the matter to the same or to new commissioners to be appointed by the said court as before, who shall, thereupon, proceed as hereinbefore provided. But the common council may set aside said report and abandon said improvement at any time before the final confirmation of the assessment roll hereafter mentioned.

When lands may be taken.

§ 180. If such report is not appealed from in thirty days as hereafter provided, or whenever such report is finally confirmed, the common council may take the lands and premises specified in the report of such commissioners, and which have been determined by the common council to be necessary for such public improvement, on paying the amount of damages or compensation awarded to the owners or occupants thereof in such report, or depositing the same in some bank in the city of Rochester to the credit of the person to whom the same was awarded.

Money may be borrowed to pay damages.

§ 181. Whenever it shall be necessary the common council may borrow the whole or any portion of the damages so to be paid, and may cause to be executed, to secure the same, the note or other obligations of said city.

When damages may be set off against assessments for benefits.

§ 182. When any damages shall be awarded and any assessment for benefits of the improvements, in respect to which such damages are awarded, shall be made upon the same person or persons, or in respect to the ownership of any entire parcel of land, a part of which shall be taken for such improvement in that case the said city of Rochester shall become vested with the title of such land (free from all incumbrances) upon paying or depositing, according to law, the excess of the amount so awarded, over and above the amount so assessed.

Appeal.

§ 183. Any person considering himself aggrieved by any part of such report may, within thirty days after such confirmation, serve upon the mayor of said city a notice of appeal to the supreme court from the report and determination of said commissioners, and shall accompany such notice with a bond, executed to the said city by two or more sureties, to be approved by the mayor of the said city, or the county judge of Monroe county, in the penalty of one thousand dollars, conditioned for the diligent prosecution of the said appeal, and for the payment of all costs and charges which may be incurred by the said city in resisting the same and defending the said report, in case the same shall be confirmed. A copy of such notice shall also be served at the same time upon the county clerk of Monroe county.

Stay of proceedings.

§ 184. The giving of such notice and delivering such bond shall suspend all further proceedings by the common council in relation to the

taking of the lands and tenements, which shall be the subject of such notice, until a decision thereon, as hereinafter provided.

County clerk to certify proceedings to supreme court.

§ 185. The county clerk of Monroe county shall forthwith, after service of such notice upon him, certify to said supreme court a copy of the report of said commissioners, with the proceedings and evidence had before them, filed with him by said commissioners.

Appeal, when heard.

§ 186. At any general or special term of the supreme court held in the seventh judicial district, the said appeal may be brought to hearing before said court upon eight days' notice given to or by the said appellant.

Court to pass upon questions of law and fact.

§ 187. The said court shall consider the said appeal and examine all questions of law or of fact that may be involved therein, and shall give the same a preference over other causes, and shall confirm, annul or modify such report as the said court shall deem just. In case of annulling the said report the said court may direct a rehearing before the same or other commissioners to be appointed by it, and in such case the same proceedings shall be had on such rehearing and for the examination, correction and review of any subsequent report as are hereinbefore provided. The said court may direct that any other party beside said appellant and said city be heard before the decision of such appeal, when it shall appear that such party has any interest to be affected by the determination of said court.

May direct rehearing.

If heard at special term, appeal may be taken.

§ 188. In case such appeal shall be brought to hearing at a special term of said court, either party affected by the order of said special term may appeal therefrom to the general term of said court within ten days after notice of such order, by serving a notice of appeal in the usual manner of serving notices of appeal in said court, and if a party other than said city, by giving a bond conditioned and approved as is provided in section one hundred and seventy-five of this act, the said appeal shall be heard by the general term in the same manner as provided in the next preceding section, and the decision of said general term shall be final and conclusive.

Liability of bondsmen.

§ 189. In case the said report so made shall be confirmed in the supreme court, either at the special term, or by the general term on appeal, the obligors in the bond given to the said city, as before provided, shall be liable to pay to said city the same costs as are allowed upon appeal in civil actions, to be adjusted by the clerk of Monroe county; and in case the said report shall be corrected or modified, the supreme court shall determine, under the circumstances of the case, whether the applicant shall be entitled to his costs and expenses; and if the same be awarded to such applicant, they shall be the same as are allowed to said city, and be paid on adjustment by said clerk, by the common council of said city, as part of the contingent expenses thereof.

Assessment for damages, etc.

§ 190. Whenever the amount of damages for taking any lands and premises aforesaid shall be finally ascertained and fixed in the manner herein provided, the common council may order that the assessors, if not interested in any of the property to be taken, and not of kin to any person to be assessed therefor, shall proceed to apportion and assess the estimated expense of the improvement or the portion thereof to be assessed as aforesaid, with the amount of such damages, and all the costs and charges of the city in the proceedings, upon the lots and parcels of land within the territory deemed by the resolution of the common council to be benefited by such improvement, as near as may be in proportion to the benefit which each shall be deemed to receive thereby. Before making such order the common council shall, by a published notice of at least four days, give the parties interested an opportunity to be heard.

Assessment roll.

§ 191. Upon such order, the said assessors shall, as speedily as may be, make and report to the common council an assessment roll made in the usual form, in which roll they shall specify and set down in separate columns the names of all persons assessed, the description of the lots and parcels of land assessed, the amount to which each person shall be assessed, the amount of damages, if any, to which such persons are respectively entitled by the award of the commissioners, and the amount of the excess, if any, to be collected, which roll shall be delivered to the city clerk.

Hearing before common council.

§ 192. Upon such assessment roll being made and filed, the common council shall assign a time when they will proceed to hear any complaints or appeals from the said assessment.

Who to be heard.

§ 193. At the time appointed for that purpose, and at other times to which the hearing may be adjourned, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may amend and correct the said assessment roll in whole or in part, or may set the same aside and direct a new assessment, either by the same assessors or by such other persons as they may designate, and in such case the same proceedings shall be had as are herein provided on the first assessment; or the common council may ratify and confirm such assessment without any corrections or with such as they may deem proper.

Mayor's warrant.

§ 194. When the said assessment shall have been confirmed, the mayor shall annex his warrant thereto, and the same shall thereupon be delivered to, and be collected by the city treasurer, with fees of collecting added, as is prescribed in this title.

When damages to be paid or deposited.

§ 195. Whenever the amount of any damages for taking any lands as aforesaid shall be finally ascertained and fixed and the assessment roll shall have been finally confirmed, the common council shall, within four months thereafter, pay the amount of such damages to the owners and occupants of lands and tenements, or to persons having any liens thereon, to whom the same shall have been allowed, or deposit the same as hereinbefore provided; and in case such owners be unknown, non-residents of the said city, married women, infants, idiots or lunatics, or the right and interests of persons claiming the same shall, in the opinion of the said common council, be doubtful, it shall be lawful for the common council in any such case to direct the amount of such damages to remain with the treasurer of said city, and it shall be the duty of such treasurer to credit the same to the parcel of land so taken, for the benefit of whomsoever may be entitled to the same.

Lands not to be taken till damages are paid or deposited.

§ 196. Until such damages shall be paid or said deposit made, or direction given, it shall not be lawful for the common council, or any of their officers or agents, to take or enter upon any lands or tenements for the taking of which any such damages shall have been allowed. But the said city shall not become obligated to take any such lands or tenements, nor to pay or deposit such damages therefor, nor shall the owners, occupants, or other persons having any liens thereupon, acquire any right to such damages, nor to be paid therefor, until the final confirmation of said assessment roll, as is hereinbefore provided.

Proceedings in case owner is an infant.

§ 197. Where it shall be known to, or discovered by, the common council that the owner of any real estate or building appropriated in making any of the improvements herein provided for is an infant, a guardian for him or her shall be appointed by the county court, to act for such infant in the premises, which guardian shall be a responsible person, approved by the county judge. It shall be the duty of the

court to appoint such guardian on application of the mayor or attorney of the city, or of the infant, or some person acting in his or her behalf, and which guardian, when so appointed, shall see that the rights of such infant or infants are protected.

Assessment for improvements not requiring the taking of land.

§ 198. Whenever the common council shall determine that the whole or any part of the expenses of any improvement not requiring the taking of any land by said city shall be defrayed by an assessment on the real estate to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining, as they think proper, the estimated expense of such improvement, they shall declare whether the whole or what portion thereof shall be assessed on such real estate, specifying the estimated expense and the portion of the city which they deem will be benefited by the improvement; when the estimate of the expense of such improvement to be assessed shall exceed, in the aggregate, the sum of two thousand dollars, the expense of such improvement to be assessed may be paid one-third in cash, and the balance in the city's notes at one and two years, with interest not exceeding six per centum payable annually, and the city may get its notes discounted for a period not exceeding one year, with which to make such first payment. When such improvement is completed, the entire expense thereof and connected therewith shall be ascertained by the city treasurer, together with the interest paid or to be paid on the orders or notes issued by the city to pay the expenses of such improvement, and interest on such sum shall be reckoned to the time the last installment of such assessment shall become due. The aggregate amount shall thereupon be reported to the common council, they to adjust and report to the assessors the amount to be assessed upon the property benefited as hereinafter provided, and it shall fix the time and place when such assessors shall meet for that purpose. Persons so assessed who shall make any payment previous to the maturity of said last installment therein, shall be entitled to a discount at the rate of six per centum; the common council may determine, at the time of fixing such amount to be assessed, if the sum shall exceed two thousand dollars, that the tax payers pay their assessments in not more than three equal payments, one-third within thirty days from the time that the treasurer shall advertise the same as hereinafter provided; one-third within one year, and one-third within two years from the confirmation of such roll. And in case the amount to be assessed, ascertained as aforesaid, shall exceed ten thousand dollars, the common council may determine as aforesaid that the tax payers may pay their assessments in not more than five equal payments, one within thirty days from the time that the treasurer shall advertise the same as hereinafter provided, and the balance within one, two, three and four years respectively, after such confirmation. The city treasurer may, in his discretion, issue his warrant for the collection of any part of such assessment that may have become due.

How paid.

To be assessed on property benefited.

Discount on payment before maturity.

Annual payments in case amount exceeds $10,000.

Assessment, how to be made.

§ 199. The common council shall thereupon make an order reciting the amount of expenses to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, and directing the assessors, if they are not interested in any of the property so benefited, and not of kin to any person so interested, or if any two of them are not so interested or of kin, then directing such two to make an assessment upon all the lots and parcels of land within the portion or part so designated, of the amount of expense in proportion, as nearly as may be, to the advantage which each shall be deemed to receive by the making of such improvement, which order shall be cer-

tified by the clerk of the city, and delivered to some one of said assessors, together with a map or profile.

Assessors to take oath.

§ 200. It shall be the duty of the assessors to meet together at such time and place as shall have been appointed by the common council, or as may be agreed upon by them, and thereupon, severally to take and subscribe an oath before some officer authorized to take affidavits to be read in courts of record, that they are not interested in the premises described in said order, not of kin to any person so interested, and that they will faithfully and impartially discharge the duty imposed upon them by the said order, which said oath shall be forthwith returned and filed with the clerk of the city. In case any assessor shall not be able to take such oath, the city clerk shall forthwith report the fact to the common council.

Special commissioners, when to be appointed, etc.

§ 201. If there shall not be at least two assessors found indifferent as aforesaid, the common council shall appoint one or more special commissioners not interested and not of kin, as aforesaid, to act with the assessor or assessors so found indifferent, or in case no assessor shall be found indifferent, then to act separately, who shall be sworn as aforesaid. The common council also, in any and every case, instead of designating assessors to make any local assessment or to assess any damages, or to do any act, may appoint three special commissioners for such purpose, who shall be sworn and shall have the same powers and be subject to the same duties, and who shall proceed in the same manner as is provided in reference to assessors; and all provisions of law in reference to assessors of said city, and to their powers, duties and proceedings, shall apply to such special commissioners in each and every case of their appointment, except that the general assessment rolls of said city shall be made by assessors only.

Assessment roll, what to contain.

§ 202. The assessors or person thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, so far as they can ascertain the same, the value of the property for which they are assessed, and the amount assessed to them respectively, with a brief description of the lots or parcels of land assessed. A designation of the lots or parcels of land so assessed, by any description sufficient to distinguish the same, shall be sufficient in making said assessment roll, without regard to the names of the owners or occupants.

Compensation.

§ 203. When assessments are made by persons other than assessors, they shall receive such compensation for their services as shall be allowed by the common council, to be paid out of the contingent funds of the said city, not exceeding two dollars per day for each.

Notice of hearing of grievances.

§ 204. Immediately after such assessment shall have been completed, the said assessors shall determine the time and place where they will first meet to hear the allegations and objections of all persons interested in said assessment, of which at least ten days' previous notice shall be given by publication in a daily newspaper of said city.

Hearing.

§ 205. At the time and place designated in such notice, the assessors, or a majority of them, shall meet and hear such allegations and objections, and the assessment books shall then be open for the examination and inspection of all parties interested. The assessors may adjourn from time to time, as may be deemed necessary, and they shall amend and correct such assessments as they may deem proper. When completed, the assessment roll shall be certified and sworn to by said assessors, or a majority of them, and shall be delivered to the clerk of said

Roll to be certified and sworn to.

city, who shall report the same to the common council at its next meeting. Upon such return being made, filed, and so reported, the common council shall proceed to hear allegations against or appeals from the said assessment, and may correct, confirm, set aside or refer to the committee on assessments, or order a new assessment to be made. If the same shall be referred to the committee on assessments, the said committee may proceed to hear allegations or objections upon five days' notice by publication, or may without such notice or hearing examine and report to the common council, who shall thereupon proceed to correct, confirm, set aside said report or order a new assessment.

Hearing before common council.

Hearing before committee.

§ 206. Every assessment so ratified by the common council shall be final and conclusive. It shall be sufficient, in every assessment, to designate the owners or occupants of the lots and parcels of lands intended to be assessed, either by name or as unknown, or to describe said several lots and parcels of land by any description by which they may be respectively distinguished. Every assessment so made shall create a personal obligation or liability against the owner of the lot or parcel of land assessed to pay the city of Rochester the amount of such assessment, for the collection of which, together with interest, costs and expenses, said city may maintain, in its own name, an action in any court of competent jurisdiction, in addition to any other remedies now provided by law for the collection thereof.

Assessment, when sufficient.

Personal liability of owner.

CITY ASSESSMENTS.

§ 207. Whenever any assessment is confirmed by the common council, the assessment roll shall be delivered to the city treasurer, whose duty it shall be to give five days' public notice, by advertisement in two daily newspapers printed in said city, of the receipt of such roll, requiring the persons assessed, or the owners or occupants of the lots assessed, to pay the assessment to him at his office within thirty days from the first publication of said notice, except in cases where it has been provided that assessments may be paid in installments, and in such cases, within the time so provided.

Treasurer to advertise the receipt of assessment roll.

§ 208. If such assessment or any installment thereof shall not be paid when the same becomes due, the city treasurer may issue a warrant therefor, with interest thereon from the time when due, besides collectors' fees; but no warrant shall be issued for the collection of any assessment or any part thereof, in any case where the person named as assessed therefor on the roll is a resident of the said city, until he shall have had a notice of at least fifteen days that such warrant will be issued, which notice may be served personally or by leaving it at his place of residence; unless the person or residence cannot, with reasonable diligence, be found in the city, in which case no notice shall be necessary.

Treasurer to issue warrant for collection of assessment after notice.

§ 209. The city treasurer shall issue his warrant as aforesaid to a collector, commanding him to collect the amount unpaid on such assessment, with interest and fees as aforesaid, and shall annex to such warrant either a list of such assessments taken from the assessment roll, or the roll itself, which warrant shall be in the form, and the same proceedings shall be had as prescribed in the case of the collection of the general city taxes remaining unpaid, and all the provisions of the charter in relation to the collection of such general city taxes, the warrant therefor, the appointment, duties, fees, and security of such collectors, the responsibility of the city treasurer and his sureties

Warrant to collect assessment, interest and fees.

for such collectors, the jurisdiction of the supreme court in case of delinquencies, shall be applicable to every such assessment. In case any assessment shall have become entirely due, and the whole or any part thereof remains unpaid, and a warrant shall have been issued therefor, and returned unsatisfied, it shall be the duty of the city treasurer to report the same to the assessors. The assessors, in preparing the next roll for general city taxes, shall insert therein against the property on which it was assessed, the amount of such unpaid assessment, with interest thereon at the rate of ten per cent per annum from the time when due down to the first day of July thereafter. Such amount shall be in a separate column from the general city tax to be levied for the ensuing year. Upon the confirmation of such assessment roll, such amount shall be added to the general city tax, and the entire amount shall be collected as hereinbefore provided in reference to general city taxes, and if such amount is not paid, the land shall be sold therefor as hereinbefore provided. When such tax is collected, the treasurer shall credit the portion thereof which was due on any assessment to the proper fund. On assessments heretofore unpaid the property assessed may be sold for such assessments as heretofore provided by such charter.

Delinquents to be reported to assessors.

Duty of assessors.

Who to pay assessment.

§ 210. In all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment made for the expense of any public improvement in the said city.

Suit may be brought by party paying against party liable.

§ 211. When any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by another person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same, the amount so paid with interest. In case any tax or assessment shall have been levied upon any piece of land, and two or more persons are or shall have become the owners of portions thereof, the common council shall have the right to receive from the owner of any portion of such land his portion of the entire tax or assessment, as the assessors shall certify to be just; and upon paying such amount, the property owned by him shall be free from the lien of such tax or assessment, and the balance thereof shall be and remain a lien upon the residue of such property assessed. This provision shall apply to certificates of tax sales held by the city and not foreclosed.

Part payment in case of part ownership.

Not to impair vested rights.

§ 212. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant, or other person, respecting the payment of any such assessments.

Excess, if any, to be repaid.

§ 213. If upon the completion of any such improvement, for which such assessments shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons and property assessed in proportion to the amount collected of them, and shall pay the same to such persons, and the owners of such property, entitled thereto, on demand.

Proceedings in case of deficiency.

§ 214. If it shall appear that a greater sum of money has been expended in the completion of such improvements than was estimated as aforesaid, the common council may direct the deficiency to be assessed on the lots and parcels of land benefited by such improvements in the same manner as hereinbefore directed, and the same proceedings shall in all respects be had thereon. The said common council may enlarge the territory to be assessed for such deficiency, in which case the same proceedings shall be taken as hereinbefore

directed, for making assessments, as near as may be. And, if it shall appear that any greater sum of money than was originally assessed has been expended for the benefit of the same property originally assessed, although not embraced in the improvement as ordered by the said commissioners, the said commissioners may, in like manner, direct the assessment of the same upon the lots and parcels of land benefited thereby. This section shall be applicable, not only to future assessments and reassessments, but, also, to assessments and reassessments heretofore ordered by the said common conncil. And all assessments and reassessments heretofore made, or that hereafter may be made for improvements in said city, shall be, and are hereby declared to be, valid and effectual, notwithstanding any irregularity, omission or error in the proceedings relating to the same, and all questions concerning the same shall be determined in all courts and places liberally to sustain such proceedings, and with reference to the very right of the case, and not strictly. Treasurer's warrants may be issued for the collection of any or all of such assessments and reassessments remaining unpaid, with the same force and effect, and all proceedings may be taken in like manner, and with like effect, as if no other warrant had before been issued.

To apply to all assessments.

Assessments heretofore made declared valid.

§ 215. Every tax or assessment authorized by this act, which has been assessed upon any lands or tenements, or real estate, or upon the owners or occupants thereof, shall be and is hereby declared valid and effectual, notwithstanding any irregularity, omission or error in any of the proceedings relating to the same, and shall be and remain a lien on such lands, tenements or real estate on which or in respect to which the same have been made, from the time of the passage of the resolution of the common council levying the same, in the case of the annual city taxes, and from the time of the confirmation by the said commissioners of the roll containing the same, in the case of other taxes and assessments, and until the same shall be actually paid or satisfied. In case any assessment shall remain unpaid on account of any such irregularity, omission or error in any assessment for a local improvement, or in the proceedings relating thereto, or in case of error in description of lands, tenements or real estate, or in designation of owners or occupants, the common council may, in their discretion, proceed to correct such irregularity, omission or error, and cause the amount so unpaid to be reassessed on the property deemed to be benefited by such improvement, or upon the owners or occupants thereof; and the common council are hereby authorized and empowered to have such reassessment made in the same manner as the original assessment should have been made; and such assessment shall have the same effect as if the assessment had originally been properly made. Whenever it shall appear, by the judgment of a court of competent jurisdiction, that any assessment for a local improvement is illegal or void, for want of jurisdiction in making the improvement or assessment, and said assessment, or any portion thereof, remain unpaid, the common council may pass an ordinance designating the improvement so made, the whole expense thereof, and the part or portion of territory deemed to be benefited thereby, and may assess the houses and lands in such territory described, for said expense, according to the benefit received, and proceed in all respects as in cases of assessments for other local improvements, and such action shall have the same valid and binding force as if the same had originally been properly done. Whenever any moneys shall have been paid for an assessment, and a reassessment shall be made in pursuance to this sec-

Irregularity, etc., not to vitiate tax or assessments.

Errors may be corrected.

Proceedings in case of illegal assessment.

tion, the amount shall be credited on such assessment to the property on which the assessment was made; and in case of any alteration in the reassessment, whereby the amount so paid shall exceed the amount reassessed on the same property, such surplus shall be repaid to the person who may have paid the same; and in case it shall be insufficient to pay the amount reassessed, the deficiency shall be collected in the same manner as other assessments.

List of lands sold for taxes to be furnished to county clerk.

It shall be the duty of the city treasurer, within thirty days after any sales of lands for taxes, to furnish to the county clerk a list of such lands sold, specifying when, to whom, for what time, and the amount, for record, which list the county clerk shall record immediately after receiving the same, in the book provided by the city treasurer for that purpose, and the amount of such sale on such parcel of land shall be a lien thereon, and take precedence of any incumbrance whatever.

Common council may require sidewalks, etc., to be built.

§ 216. Whenever the common council shall deem it expedient to construct any sidewalk or pavement within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining such street to lay such sidewalk, or construct such pavement to the center of the said street, in front of his or her lot or house; or they may direct such sidewalks and pavements to be made according to the provisions of this title.

Sidewalks to be repaired.

The common council may, in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or in any specified part thereof, to repair, maintain and reconstruct sidewalks, pavements and street improvements adjoining their respective premises to the center of the street or alley, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any occupant or tenant may be thus subjected may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds the premises.

Power of common council in case of neglect of owner to conform to regulations for widening streets.

§ 217. Whenever the owner or occupant of any lot or house shall refuse or neglect, within such time as the common council shall have appointed, to conform to any regulations made by the common council for widening streets, or for any other purpose, it shall be lawful for the common council to cause such regulations to be enforced at the expense of the city, and to recover the amount of such expenses, with damages, at the rate of ten per cent, with costs of suit, of the owner or occupant of such lot or house, whose duty it was to conform to such regulation. Upon any judgment recovered in said action an execution may be issued against the person of the defendant therein, after one against his property shall have been returned unsatisfied.

Sidewalks to be kept clean and in good repair.

§ 218. It shall, in all cases, be the duty of the owner of every lot or piece of land in said city to keep the sidewalks, adjoining his lot or piece of land, in good repair, and also to remove and clean away all snow and ice or other obstruction from such sidewalk and to keep half of the street or alley adjoining the same free from obstruction or obstacle.

City not liable for injuries except in case of actual notice.

The city of Rochester shall not be liable for any injury caused from such sidewalks being out of repair, or unlawfully obstructed or dangerous from snow or ice, unless actual notice of the unsafe or dangerous condition thereof has been given to the city officers having charge of the highways, a reasonable time before the happening of any such injury.

When superintendent to repair walks.

The superintendent of streets shall have the power to repair any sidewalk where the owner of the property shall neglect to repair the same for five days, after written notice so to

has been served on him, personally, or at his residence, if his residence be known, and he live in the city, or otherwise, after being left on the premises. The street superintendent shall also have power to clean any sidewalks from snow, ice or other obstruction where the same have remained for twenty-four hours. The street superintendent shall have the power to collect the expense of any such work or repair from the owner of the property, and he shall send such owner, if his address be known, a bill of the amount thereof. If such expense is not paid, the superintendent shall file his affidavit of the actual cost thereof, and the property in front of which the work or repair was done, with the assessors of the city, and they shall add the amount thereof, with interest at fifteen per cent from the time such affidavit was filed, to the amount assessed against such land for the next general city tax, and the whole amount of such assessment shall be collected as is provided in reference to general city taxes.

When to clean walks.

Expense of, how collected.

§ 219. Mount Hope Cemetery, and all lots and plats therein, which have been, or shall hereafter be, conveyed by the corporation of said city, as places for the burial of the dead, shall forever be exempt from taxation, and from assessments for the improvement thereof, or for any purpose whatever, and shall not be liable to be sold on execution, or be applied to the payment of debts, by any assignment under any insolvent law, or by any compulsory process of law.

Mount Hope cemetery and lots exempt from taxation.

TITLE VIII.

PREVENTION AND EXTINGUISHMENT OF FIRES.

§ 220. For the purpose of guarding against the calamities of fire, the common council may, from time to time, by ordinance, designate such portions and parts of the said city as it shall think proper, within which no buildings of wood shall be erected; and may regulate the erection of buildings within such portion and parts, and the size and materials thereof, and the size and construction of the chimneys therein; the thickness of the walls thereof; the kind of mortar or cement used in the construction of such walls; the distance at which party walls shall be placed in such buildings; the materials of which they shall be constructed, and may require iron shutters to be placed upon the outer doors and windows of buildings already constructed, and upon such as shall be hereafter constructed, and every person who shall violate any such ordinance or regulation shall forfeit to the city the sum of two hundred and fifty dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed as such by the common council. The said common council may also inspect, or cause to be inspected by an officer of said city, or by any person to be appointed by said common council for that purpose, any building erected or in process of erection, to see that the same corresponds to such ordinance or regulation; said common council, officer or person shall have authority, at all reasonable hours, to enter upon any premises to make such inspection, and may arrest and put a stop to the erection of any building in process of erection which shall not conform to such ordinance or regulation until the same shall be conformed thereto, and for this purpose may employ the police force of said city.

Fire limits.

Penalty.

Inspection of buildings.

§ 221. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever the owner or occupant of any house or building

Scuttles, etc.

shall not comply with such ordinance, or with any ordinance in relation to iron shutters upon the windows and doors of any building, the common council may, at the expiration of twenty days after personal service of a notice of such ordinance upon the owner or occupant, cause such scuttles, stairs, ladders or shutters to be constructed and placed in or upon said building, and may recover the expense thereof, with ten per cent in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Common council may regulate manufactories, etc.

§ 222. The common council may prevent or regulate the carrying on of manufactories calculated to cause or promote fires; may regulate the construction of safe deposits for ashes, the removal of any hearth, fire-place, stove, grate or other apparatus in which fire may be used, or any chimney, flue or other conductor of smoke that may be considered likely to cause or promote fires, and may compel the cleaning of chimneys, flues and all other conductors of smoke; and upon the neglect of any owner or occupant of any building to clean the chimneys, flues or other conductors of smoke therein, or to construct such deposits, or to make the removals as hereinbefore mentioned, he shall forfeit the sum of one hundred dollars, and the common council may cause such removals to be made, and such chimneys, flues or other conductors of smoke to be cleaned, and may collect the expense thereof, and ten per cent in addition, from the owner or occupant whose duty it was to have the same removed or cleaned. The common council may adopt such other regulations for the prevention and suppression of fires as it may deem necessary. An execution issued upon any judgment recovered by virtue of the provisions of this title, may issue against the property or person of the defendant therein, or both.

Cleaning of chimneys, etc.

Penalty for neglect.

Prevention of fires.

Execution against the person.

Examination of dwelling houses, etc., authorized.

§ 223. For the purpose of enforcing such regulations the common council may authorize any of the officers of the said city, or any person appointed by it, at all reasonable times, to enter into and examine all dwelling-houses, buildings, tenements of every description, and all lots, yards or inclosures, and to cause such as are dangerous to be put in safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys or other conductors of smoke, or any apparatus or device in which fire may be used or to which fire may be applied, and remove and make the same safe at the expense of the owners or occupants of the building in which the same may be, and to ascertain the situation of any building in respect to its exposure to fire, and whether iron shutters, scuttles and ladders thereto have been provided, and generally with such other powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Executive board may procure fire engines, etc.

§ 224. The executive board may procure, build, erect and keep in repair such and so many fire engines, hose and other apparatus, fire hooks and fire buckets and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells, reservoirs of water and engine-houses as they shall, from time to time, judge necessary; provided, however, that no engine-house or fire engine shall be bought, built or sold without the authority of the common council.

Acts of common council legalized.

§ 225. All acts and proceedings of the common council of said city, in the year eighteen hundred and sixty-one, in appropriating and expending the sum of fourteen thousand two hundred and forty-six dollars and twenty-six cents, in raising, equipping and subsisting volunteers and military companies for the military service of the State of New York, and of the United States, in said year, are hereby legal-

and and confirmed, and are hereby declared to be of the same validity, in all respects, as if the same had been duly authorized by the charter of said city, or as if an act especially authorizing all said acts and proceedings had been theretofore duly enacted.

Fire department, organization of.

§ 226. The executive board may organize and maintain a fire department for the said city, to consist of one chief engineer, one assistant engineer, and such number of firemen as may be appointed by the said board; all to have the privileges and exemptions of firemen, and to hold their appointment during the pleasure of the board.

Rules for the government of.

§ 227. The executive board may make rules and regulations for the government of said engineers and firemen; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses or badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise; and the common council may impose reasonable fines for the breach of any such regulations.

Engineers to have custody of property.

§ 228. The engineers, under the direction of the executive board, shall have the custody and general superintendence of the fire engines, engine-houses, hooks, ladders, hose, public cisterns and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, to the said board at stated periods, to be prescribed by the said board, and to make such reports to the mayor whenever required by him. The certificate of the clerk of the city, under the seal of such city, that a person is or has been a fireman, shall be evidence of the fact in all courts and places.

Fire marshals.

§ 229. The fire marshal shall have such powers and perform such duties as the common council shall, from time to time, direct, and with such salary as the common council shall determine.

Fire alarms.

§ 230. The common council may, by ordinance, direct the manner in which the bells in the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells, in such manner at any other time than during a fire or an alarm of fire.

Injuries to firemen.

§ 231. The common council may provide suitable compensation for any injury that any fireman may receive, either in his person or property, in consequence of his exertions at any fire.

§ 232. The common council may by ordinance:

Powers of engineers at fires to be prescribed.

1. Prescribe the duties and powers of the engineers at fires, and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires.

Of mayor and aldermen.

2. Prescribe the powers and duties of the mayor and aldermen, at such fires and in case of alarm; but in no case shall the mayor, or any alderman, control or direct the chief engineer, or his assistant, during any fire, except as hereinafter provided.

Removal of suspicious persons.

3. Provide for the removal and keeping away from such fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose on the engineers.

Aid in putting out fires.

4. Provide for compelling persons to aid in the extinguishment of fires, by all proper means, and to aid in the preservation, removal and securing of property exposed to danger by fire.

Constables, etc., to be present.

5. To compel the constables and policemen of the city to be present at fires, and to perform such duties as the said common council shall prescribe.

Arrest of persons refusing aid to extinguish fires.

§ 233. Whenever any person shall refuse to obey any lawful ord of any engineer, mayor or alderman, or member of the executi board, at any fire, it shall be lawful for the officer giving such ord to arrest or to direct orally, a constable, policeman or any citizen, t arrest such person and confine him, temporarily, in any safe plac until such fire shall be extinguished; and in the same manner suc officers, or any of them, may arrest or direct the arrest and confin ment of any person at such fire, who shall be intoxicated or diso derly.

Buildings may be torn down.

§ 234. Whenever any building in the said city shall be on fire, shall be the duty, and be lawful for the chief engineer, with the con sent of the mayor, or of any member of the executive board, or of an alderman, or for the mayor, or for any two aldermen, or the executiv board, to order and direct such building, or any other building whic they may deem hazardous, and likely to communicate fire to othe buildings, or any part of such building, to be pulled down an destroyed, and no action shall be maintained against any person o against the said city therefor. But any person interested in any suc building so destroyed or injured may, within three months thereafter apply to the common council to assess and pay the damages he ha sustained. At the expiration of the three months, if any such appli cation shall have been made in writing, the common council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agree ment shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same, in the same manner as is provided by this charter, for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public im provement.

Damages to owner.

Assessment of damages.

§ 235. The commissioners appointed to appraise and assess the damages incurred by the said claimant by the pulling down or destruction of such building by the direction of the said officers of the city, as above provided, shall take into account the probability that the same would have been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms therof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

Satisfaction of.

TITLE IX.

SUPPORT OF THE POOR.

Overseers of the poor, powers of, etc.

§ 236. The mayor and aldermen of the said city, by virtue of their offices, shall be overseers of the poor for the said city, and shall possess all the powers and authority of overseers of the poor in the several towns in this State, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who, or whose parents shall become chargeable to the said city, or to the county of Monroe, in the said city; the safe-keeping and care of lunatics; the care of habitual drunkards; the binding out and contracting for the service of disorderly persons, the support of bastards, and the proceedings to charge the fathers and mothers of such bastards; and all such other powers as are conferred on overseers of the

poor in the respective towns, and shall be subject to the same duties, obligations and liabilities.

Poor, how to be supported.

§ 237. Until provisions shall otherwise be made, as hereinafter authorized, the indigent persons, and such others as shall be entitled to relief under the laws of this State, who are or shall become chargeable, or likely to become chargeable to the said city, being in the said city, shall continue to be supported and relieved in the manner provided by law in respect to the county of Monroe.

Alms-house may be erected.

§ 238. Whenever the common council shall deem it expedient, they may cause an alms-house to be erected in the said city, being authorized thereto as herein provided, and may appoint as many commissioners to take charge thereof as they shall judge necessary, and may raise the expense of the maintaining of the alms-house by a tax or taxes on the real estate within the said city, and on the personal property of residents therein, in the same manner as hereinbefore provided in respect to taxes for the general expenses of the said city. And the same proceedings for that purpose shall be had in all respects.

Government of alms-house.

§ 239. The common council may appoint such other officers and servants for the government and management of the said alms-house as they shall deem necessary, and they, together with the said commissioners, shall hold their appointment during the pleasure of the common council; and the common council shall make such regulations as they think necessary for the government, management, support and good order of the said alms-house, its tenants, officers, keepers and servants.

Common council may compel tenants of alms house to labor.

§ 240. The common council may cause such labor in manufactories, or otherwise, to be performed by the tenants of such alms-house, as they shall prescribe, and may provide the materials and implements therefor at the expense of the city, and they may also erect in the said alms-house, proper cells and rooms for the confinement and care of lunatics and idiots, and other persons confined therein, and may provide for them and for the care of such lunatics and may contract with the supervisors of Monroe county, and with any other person for the support and care and medical and surgical attendance for any lunatics, idiots, insane, sick, diseased or maimed persons.

Contracts for support of poor.

TITLE X.

COURTS OF JUSTICE.

Municipal court.

§ 241. A court of civil jurisdiction known as the "municipal court of the city of Rochester," is continued and established in and for said city, with the jurisdiction and powers hereinafter provided. The two judges of the said court now in office shall hold the said court in the said city as hereinafter provided.

Judges of.

Terms of office.

§ 242. The said judges shall hold their offices respectively, one for five years, and one for six years, from the first day of May, one thousand eight hundred and seventy-six, as heretofore designated by the governor. The judges appointed or elected, as provided in the charter, shall take the oath of office prescribed by law before entering upon their duties, and file the same in the Monroe county clerk's office.

Official oath.

Election of judges.

§ 243. At the annual charter election next preceding the end of each term, the said office shall be filled by the election by electors of the city, and the person so elected shall hold the office for the term of six years commencing on the first day of May next thereafter.

Arrest of persons refusing aid to extinguish fires.

§ 233. Whenever any person shall refuse to obey any lawful order of any engineer, mayor or alderman, or member of the executive board, at any fire, it shall be lawful for the officer giving such order to arrest or to direct orally, a constable, policeman or any citizen, to arrest such person and confine him, temporarily, in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly.

Buildings may be torn down.

§ 234. Whenever any building in the said city shall be on fire, it shall be the duty, and be lawful for the chief engineer, with the consent of the mayor, or of any member of the executive board, or of any alderman, or for the mayor, or for any two aldermen, or the executive board, to order and direct such building, or any other building which they may deem hazardous, and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against the said city therefor. But any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of the three months, if any such application shall have been made in writing, the common council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same, in the same manner as is provided by this charter, for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public improvement.

Damages to owner.

Assessment of damages.

§ 235. The commissioners appointed to appraise and assess the damages incurred by the said claimant by the pulling down or destruction of such building by the direction of the said officers of the city, as above provided, shall take into account the probability that the same would have been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms therof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

Satisfaction of.

TITLE IX.

SUPPORT OF THE POOR.

Overseers of the poor, powers of, etc.

§ 236. The mayor and aldermen of the said city, by virtue of their offices, shall be overseers of the poor for the said city, and shall possess all the powers and authority of overseers of the poor in the several towns in this State, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who, or whose parents shall become chargeable to the said city, or to the county of Monroe, in the said city; the safe-keeping and care of lunatics; the care of habitual drunkards; the binding out and contracting for the service of disorderly persons, the support of bastards, and the proceedings to charge the fathers and mothers of such bastards; and all such other powers as are conferred on overseers of the

poor in the respective towns, and shall be subject to the same duties, obligations and liabilities.

Poor, how to be supported.

§ 237. Until provisions shall otherwise be made, as hereinafter authorized, the indigent persons, and such others as shall be entitled to relief under the laws of this State, who are or shall become chargeable, or likely to become chargeable to the said city, being in the said city, shall continue to be supported and relieved in the manner provided by law in respect to the county of Monroe.

Almshouse may be erected.

§ 238. Whenever the common council shall deem it expedient, they may cause an alms-house to be erected in the said city, being authorized thereto as herein provided, and may appoint as many commissioners to take charge thereof as they shall judge necessary, and may raise the expense of the maintaining of the alms-house by a tax or taxes on the real estate within the said city, and on the personal property of residents therein, in the same manner as hereinbefore provided in respect to taxes for the general expenses of the said city. And the same proceedings for that purpose shall be had in all respects.

Government of almshouse.

§ 239. The common council may appoint such other officers and servants for the government and management of the said alms-house as they shall deem necessary, and they, together with the said commissioners, shall hold their appointment during the pleasure of the common council; and the common council shall make such regulations as they think necessary for the government, management, support and good order of the said alms-house, its tenants, officers, keepers and servants.

Common council may compel tenants of alms house to labor.

§ 240. The common council may cause such labor in manufactories, or otherwise, to be performed by the tenants of such alms-house, as they shall prescribe, and may provide the materials and implements therefor at the expense of the city, and they may also erect in the said alms-house, proper cells and rooms for the confinement and care of lunatics and idiots, and other persons confined therein, and may provide for them and for the care of such lunatics and may contract with the supervisors of Monroe county, and with any other person for the support and care and medical and surgical attendance for any lunatics, idiots, insane, sick, diseased or maimed persons.

Contracts for support of poor.

TITLE X.

COURTS OF JUSTICE.

Municipal court.

§ 241. A court of civil jurisdiction known as the "municipal court of the city of Rochester," is continued and established in and for said city, with the jurisdiction and powers hereinafter provided. The two judges of the said court now in office shall hold the said court in the said city as hereinafter provided.

Judges of.

Terms of office.

§ 242. The said judges shall hold their offices respectively, one for five years, and one for six years, from the first day of May, one thousand eight hundred and seventy-six, as heretofore designated by the governor. The judges appointed or elected, as provided in the charter, shall take the oath of office prescribed by law before entering upon their duties, and file the same in the Monroe county clerk's office.

Official oath.

Election of judges.

§ 243. At the annual charter election next preceding the end of each term, the said office shall be filled by the election by electors of the city, and the person so elected shall hold the office for the term of six years commencing on the first day of May next thereafter.

Vacancies, how filled.

§ 244. Whenever a vacancy shall occur in the said office, the same shall be filled by election at the next annual charter election in the said city held not less than ten days after the happening of such vacancy, and the person so elected shall hold the office from the time of his election until the expiration of six years from the first day of May thereafter. If such vacancy shall occur more than sixty days previous to such charter election so held as aforesaid, the common council, by the concurring vote of not less than two-thirds of all the aldermen, shall appoint a person to supply such vacancy until the said charter election, and until the person then elected to fill the vacancy shall duly qualify.

Duty of judges.

§ 245. It shall be the duty of each of said judges to hold a court in and for said city of Rochester, to be called the municipal court of the city of Rochester. Said court shall be open for business each day (Sundays and legal holidays excepted) at nine o'clock in the forenoon, and continue open during seasonable hours for the transaction of business, and shall have jurisdiction in civil actions and proceedings as follows:

Jurisdiction.

1. In all civil actions and proceedings cognizable by law in the former justices' courts of said city, and in the justices' courts of towns.

Contract.

2. In actions arising on contracts for the recovery of money only, if the sum claimed does not exceed five hundred dollars; and also in actions for a breach of contract, where the damages claimed do not exceed five hundred dollars.

Account.

3. In a matter of account, when the sum total of the accounts of both parties, proved to the satisfaction of the court, does not exceed one thousand dollars.

Personal injuries, etc.

4. In action for damages for injury to rights pertaining to the person or to personal or real property, if the damages claimed do not exceed five hundred dollars.

Penalty.

5. In an action for a penalty, not exceeding five hundred dollars.

Bond.

6. In an action upon a bond conditioned for the payment of money, not exceeding five hundred dollars, though the penalty exceed that sum, the judgment to be given for the sum actually due. Where payments are to be made by installments an action may be brought for each installment as it becomes due.

Surety bond.

7. In an action upon a surety bond taken by said court, when the penalty or amount claimed does not exceed five hundred dollars.

Judgment.

8. In an action upon a judgment rendered in a court of a justice of the peace, where such action is not prohibited by section seventy-one of the Code of Procedure.

Confession.

9. To take and enter judgment on the confession of a defendant, when the amount confessed shall not exceed five hundred dollars, in the manner prescribed by article eight, title four, chapter two, of part three of the Revised Statutes.

Fraud.

10. In an action for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed five hundred dollars.

Attachment.

11. In an action commenced by an attachment of property, as now provided by statute, if the debt or damage claimed do not exceed five hundred dollars.

Recovery of personal property.

12. In an action to recover the possession of personal property claimed, the value of which, as stated in the affidavit of the plaintiff, shall not exceed five hundred dollars; the same proceedings to be had as are provided by law to be had in justices' courts.

13. In summary proceedings under the Revised Statutes to recover the possession of land, and to remove tenants and others; the process to be made returnable before said court by its proper title. Summary proceedings.

14. In actions or proceedings under the statute for the enforcement of the liens of mechanics and others, where the amount of the lien does not exceed the sum of five hundred dollars; the same proceedings to be had as are provided by law to be had in justices' courts. Mechanics' and other liens.

15. In proceedings in cases of bastardy, brought by the overseer of the poor of the said city of Rochester. Bastardy.

16. The judges of said court shall have power to remove any constable of said city upon the same complaint as is provided by law for the removal of a constable of a town. The said judges shall associate together to hear and determine the same, and the same proceedings shall be had by and before them as are provided by law to be had by and before three justices of the peace of a town, for the removal of a constable. Power to remove constables.

17. The judges of said court are hereby respectively authorized and empowered to solemnize the rites of marriage. Solemnize marriages.

§ 246. Process shall be made returnable before said court by its proper title, and shall be signed by a judge or by a clerk or deputy clerk of said court; either of said judges may hold said court, and may hear, try and determine any case or proceeding brought in said court, when there is no demand made for a jury, or preside at a trial by jury; but in case of proceedings in bastardy, said judges shall associate together for the trial and determination of the same. The process, pleadings, practice, trial by the court or jury, fees, costs and disbursements, judgment by action or confession, and proceedings thereon, shall be the same as are now provided by law for justices' court, except as otherwise provided in this act. In cases where the defendant is required by law to give bail on application for an adjournment, the amount of the penalty of the bond shall be fixed by the court, but shall not in any case exceed five hundred dollars. Appeal may be had from any judgment obtained in said court to the county court of Monroe county, in the same cases, in the same manner, and with like effect as appeals are now had by law from judgments obtained in justices' courts. This court shall not have cognizance of any action where the title to real property shall come in question; but where such question arises, the pleadings and practice shall be the same as are now provided by law for justices' courts in regard thereto. The clerk of said court, on the demand of a party in whose favor judgment shall have been rendered, shall give a transcript thereof, which may be filed and docketed in the office of the clerk of Monroe county. The time of the receipt of the transcript by said clerk shall be noted thereon and entered in the docket, and from that time the judgment shall be a judgment of the county court. A certified transcript of such judgment may be filed and docketed in the clerk's office of any other county, and with the like effect, in every respect, as in the county where the judgment was rendered, except that it shall be a lien only from the time of filing and docketing the transcript. But no such judgment for a less sum than twenty-five dollars, exclusive of costs, shall be a lien upon, or enforced against real property. The pleadings in said municipal court shall be:

Process, etc. Practice, etc. Bail. Appeals. Practice in case title to real property comes in question. Transcripts. Lien of judgment.

1. The complaint by the plaintiff; and Pleadings.
2. The answer by the defendant.

The pleadings may be oral or in writing; if oral the substance thereof shall be entered in the docket of the court; if in writing they

shall be filed and a reference to them shall be made in the docket, but such pleadings need not be verified except as hereinafter provided. The complaint shall state, in a plain and direct manner, the facts constituting the cause of action. The answer may contain a denial of the complaint, or any part thereof, and also notice, in a plain and direct manner, of any facts constituting a defense or counter-claim. Either party may demur to the pleadings of his adversary, or to any part thereof, when it is not sufficiently explicit to enable him to understand it, or it contains no cause of action or defense, although it be taken as true. If the court deem the objection well founded, it shall order the pleading to be amended; and if the party refuse to amend, the defective pleading shall be disregarded. In case a defendant does not appear and answer, the plaintiff cannot recover (except as otherwise hereinafter provided) without proving his case. In an action or defense founded upon an account or an instrument for the payment of money only, it shall be sufficient pleading for a party to deliver the account or instrument to the court, and to state that there is due to him thereon, from the adverse party, a specified sum which he claims to recover or set off. A variance between the proof on the trial and the allegations in a pleading shall be disregarded as immaterial, unless the court shall be satisfied that the adverse party has been misled to his prejudice thereby. The pleadings may be amended at any time before the trial, or during or upon appeal, when by such amendment substantial justice will be promoted. If the amendment be made after the joining of issue, and it be made to appear to the satisfaction of the court, by oath, that an adjournment is necessary to the adverse party in consequence of such an amendment, an adjournment shall be granted. The court may also, in its discretion, require, as a condition of amendment, the payment of costs to the adverse party. Execution may be issued on a judgment heretofore or hereafter rendered by said municipal court at any time within five years after the rendition thereof, and shall be returned sixty days after the date of the same. If the judgment be docketed with the county clerk, the execution shall be issued by him to the sheriff of the county and have the same effect, and be executed in the same manner, as other executions and judgments of the county court. The court may, at the joining of issue, require either party at the request of the other, at that or some other specified time, to exhibit his account on demand, or state the nature thereof as far forth as may be in his power, and in case of his default preclude him from giving evidence of such parts thereof as shall not have been so exhibited or stated. The defendant may, on the return of process and before answering, make an offer in writing to allow judgment to be taken against him for an amount to be stated in such offer, with costs. The plaintiff shall thereupon, and before any other proceedings shall be had in the action, determine whether he will accept or reject such offer. If he accept the offer and give notice thereof in writing, the clerk shall file the offer and the acceptance thereof, and judgment shall be rendered accordingly. If notice of acceptance be not given, and if the plaintiff fail to obtain judgment for a greater amount, exclusive of costs, than has been specified in the offer, he shall not recover costs but shall pay to the defendant his costs accruing subsequent to the offer. The forms of action, parties to actions, the rules of evidence, the times of commencing actions and the service of process upon corporations, as established by the Code of Civil Procedure, shall govern the practice in this court.

Demurrer.

Variance.

Amendments.

Adjournments.

conditions of.

Execution.

Party may be compelled to exhibit his account.

Offer of judgment, etc.

Form of action, etc.

In actions on contracts for recovery of money only, complaint may be filed, etc.

§ 247. In an action brought in this court, arising on contract for the recovery of money only, or upon account, the plaintiff, at the time of issuing the summons, may file with the clerk of said court a written complaint, setting forth in a plain and concise manner the facts or items of account constituting the cause of action, specifying the amount actually due from the defendant to the plaintiff, and for which the plaintiff will demand judgment. Such complaint shall be subscribed by the plaintiff or his attorney, and shall be verified in the manner prescribed by the Code of Civil Procedure for courts of record. Said summons and complaint shall be served at the same time by delivering to, and leaving with, the defendant personally a copy thereof, and may be served by any person of full age not a party to the action.

Summons and complaint, how served.

Answer to be in writing and verified.

§ 248. In case the defendant appears and answers said complaint, such answer shall be in writing and subscribed by the defendant or his attorney, and shall be verified as above provided for the verification of the complaint; and shall contain, first, a general or specific denial of each material allegation of the complaint, controverted by the defendant, or of any knowledge or information thereof sufficient to form a belief; second, a plain statement of any new matter constituting a defense or counter-claim.

Proceedings in case of default.

§ 249. In case the defendant fails to answer the complaint as herein provided, he shall be deemed to have admitted the allegations of the complaint, and the court, upon the filing of the summons and complaint, with the proof of the due service thereof, shall forthwith enter judgment for the plaintiff for the amount demanded in the complaint, with costs and disbursements, without further proof. When the service of the said summons and complaint is made by any person other than a constable, proof of such service shall be made by affidavit, in which affidavit he shall state that such person is over twenty-one years of age, when and at what particular place and in what manner he served the same, and that he knew the person mentioned and described in the summons as defendant therein, and that he delivered to, and left with, such defendant a copy thereof. When the service is made by a constable his certificate showing when and at what particular place, and in what manner he served the same, and that he knew the person mentioned and described in the summons as the defendant therein, and that he delivered to, and left with, such defendant a copy thereof, shall be sufficient proof of the service of such summons and complaint.

Proof of service.

Pleadings to be subscribed.

Every pleading shall be subscribed by the party or his attorney; if by attorney, such attorney shall have been admitted to practice in the supreme court of this state.

Costs.

§ 250. In all actions brought in this court there shall be allowed by way of indemnity to the prevailing party, and included in the judgment, the following sums as costs:

1. When the damages recovered amount to twenty-five dollars, but do not amount to one hundred dollars, the sum of three dollars.

2. When the damages recovered amount to one hundred dollars, and do not amount to three hundred dollars, the sum of five dollars.

3. When the damages recovered amount to three hundred dollars, or more, the sum of seven dollars.

4. For the trial of an issue of fact, to the prevailing party, the sum of five dollars; and when a judgment of nonsuit or no cause of action is rendered on such trial, the defendant shall be entitled to have judgment entered against the plaintiff, for the amount of the fees, costs and disbursements allowed the defendant by law, and, also, the additional costs provided for in this act.

Criminal warrants.

§ 251. Either of said judges may issue a criminal warrant upon due complaint for the arrest of any person charged with crime committed within the county of Monroe, but such warrant must be signed by the judge hearing the complaint, and made returnable before the justice of the police court of said city. Said judges, or either of them, may command the services of any constable of said city to enforce the authority of said court and to maintain the peace; and they, or either of them, shall have power to punish for contempt to the same extent as justices of justices' courts.

Judges may command services of constable, etc.

Clerk and deputy clerk. Official oath.

§ 252. Said court may have a clerk and one deputy clerk, to be appointed by the said judges, such appointment to be in writing and filed with the clerk of Monroe county. Said clerk and deputy clerk shall take the usual oath of office, and file the same with the said county clerk, and shall hold the said office during the pleasure of said judges, and shall each give bail for the faithful performance of his duties, in such form and for such sum, and with such sureties as shall be approved by said judges, and file the same with the treasurer of said city. It shall be the duty of said clerk and deputy clerk to keep in the docket of said court a complete and accurate record of all process issued and returned to said court, of all the proceedings in any action or proceeding brought in said court, of all moneys paid into said court, or received by said clerk or said deputy clerk, and to enter in said docket the judgments and decisions of said court, and said docket shall be evidence in the courts of this state to the same extent as the docket of a justice of the peace. Said judges, clerk and deputy clerk shall have power to administer oaths and take acknowledgments the same as justices of the peace of towns.

Bail.

Docket.

Power to administer oaths, etc.

Prepayment of fees.

§ 253. In all actions and proceedings brought in this court, the clerk or deputy clerk shall demand and receive prepayment of all such fees for process, making out and filing bonds, undertakings, affidavits and other papers, as are allowed by law to justices in justices' courts, and said clerk or said deputy shall keep an accurate minute of the same in each case or proceeding upon the docket of said court at the time of receiving the same, and at the end of each month shall deposit the amount thereof with the treasurer of said city, together with a detailed statement of the items thereof, which statement shall be verified by said clerk or deputy clerk to be true and correct, and to embrace all the moneys paid into said court, or received by said clerk or by said deputy, during the period covered by said statement.

Deposit of.

Salaries.

§ 254. Said judges shall each be paid in monthly payments an annual salary of eighteen hundred dollars, and shall receive to their own use no fees or other compensation for services as judge of said court. Said clerk and deputy clerk shall each be paid in monthly payments an annual salary of six hundred dollars, and shall receive no fees or other compensation for services as clerk or deputy clerk of said court.

Place for holding courts.

§ 255. The common council shall designate the place for the holding of said court, and provide suitable rooms and furniture, and necessary blank books, blanks and stationery, for the use of said court, and shall provide for the payment of the said salaries of the said judges and the said clerk and deputy clerk.

Justices of the peace not to be elected.

§ 256. No person shall hereafter be elected to the office of justice of the peace in the said city of Rochester.

Time of entry of judgment.

§ 257. In every case in which by law a justice of the peace is required to render judgment and enter the same in his docket within four days, the municipal court or judge thereof is required to render judgment and enter the same in the docket within ten days after the

cause shall have been submitted for final decision, any thing herein to the contrary notwithstanding.

Suits for penalties, how brought.

§ 258. Suits brought to recover any penalty or forfeiture for the violation of any ordinance of the common council of the said city shall be brought in the name of the city of Rochester, and shall be prosecuted under the direction of the city attorney, or such person as may be deputed by him or by the police justice, or such officer as the common council may direct, and may in all cases be commenced by warrant, returnable forthwith without an affidavit, showing cause therefor, or without the giving of security; no person being an inhabitant or tax payer of said city shall be disqualified for that cause from acting as a judge, justice or juror in any suit brought by or against said city in any court, nor from serving any process, or summoning a jury in any suit, proceeding or investigation, to which the city is a party. Nor shall any judge or justice of a court of sessions or other court be disqualified to hear and adjudicate on an appeal in a case of bastardy or other matter originating in said city because he is an inhabitant or tax payer thereof.

When judge not disqualified to act.

Appeal from judgment against city.

§ 259. If judgment in any action shall be rendered against the city by the municipal court of the said city, or by any justice of the peace, or by any court of record, such judgment may be removed by appeal to any court having jurisdiction of such appeal, in the same manner and with the same effect as though the city were a natural person, except that no undertaking on appeal shall be necessary to be executed by or on behalf of the said city.

Execution may be issued immediately.

§ 260. Every execution for any penalty or forfeiture recovered for the violation of any ordinance of the corporation may be issued immediately on the rendition of the judgment and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail for such time as shall have been directed by the common council, unless herein otherwise provided.

Penalties recovered, how applied.

§ 261. The common council may direct any moneys that may have been recovered for penalties or forfeitures, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders, or in subpœnaing or defraying the expenses of witnesses in any suit for such penalties or forfeiture, or in conducting such suits.

Vagrants.

§ 262. All persons being habitual drunkards, destitute, and without visible means of support, or who shall abandon, neglect or refuse to aid in the support of their families, being complained of by such families; all able-bodied beggars, who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market-places, sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before the police justice of such city, be sentenced to confinement in the Monroe county penitentiary, for any time not exceeding sixty days, at hard labor.

Punishment of.

Disorderly persons.

§ 263. All persons who shall have actually abandoned their wives or children, in the city of Rochester, or who may neglect to provide, according to their means, for their wives or children, are hereby declared to be disorderly persons, within the meaning of title fifth of

chapter twentieth of part first of the Revised Statutes, as amended, and may be proceeded against as such, in the manner directed by said title. And it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine from the facts and circumstances of the case, whether the conduct of any such person amounts to such desertion or neglect to provide for his wife or children.

Duty of magistrate.

Convicts to be confined in penitentiary.

§ 264. Persons convicted of any criminal charge, on conviction, or upon conviction for violation of the laws of this State, in the said city, shall be confined in the Monroe county penitentiary in the same manner as when committed by the justices of any town in said county.

Jurisdiction of police justice.

§ 265. The police justice of said city shall have jurisdiction in suits brought for a violation of any city ordinances or of the laws concerning the internal police of the State, and is hereby empowered to hold courts of special sessions for the trial of all offenses triable in a court of special sessions. The municipal court of said city shall also have jurisdiction of all suits brought for a violation of any of the city ordinances, except in relation to gaming and disorderly houses.

Criminal warrant, execution of.

§ 266. Upon any criminal warrant duly issued by the police justice, or any person legally acting in his stead, any officer authorized to serve the same may execute such warrant in any part of this State, without further indorsement or warrant.

Jurisdiction of judge, mayor, etc., in case of absence or disability of police justice.

§ 267. A judge of the municipal court, the mayor or one of the police commissioners designated by him, shall have all the jurisdiction, authority and power of the police justice, upon the production to such judge or the mayor, of the certificate of the police justice, a police commissioner or the chief of police, in the absence of the police justice from the city, or of his severe illness, disabling him from acting, which certificate shall be in writing and be filed with the police clerk, before the issuing of any process or proceeding, in any manner, in such case. Such certificate (with the mayor's designation, if any, of a police commissioner) shall be entered by the police clerk at length in the docket and record of proceedings kept by him, and made a part of the return to any writ of certiorari in such case; but it shall not be necessary to recite or mention the same in any warrant or process, or proceeding. Such judge, mayor or commissioner, so authorized, shall issue process and record proceedings in his proper name of office as judge, mayor or commissioner, and shall continue to act in place of the police justice, until the production to him of the certificate of the police justice, in writing, of his ability to act, which certificate shall be likewise filed with the police clerk, and entered in the said docket, and thereupon matters pending undetermined before the said person acting in place of the police justice under this section, shall proceed before such police justice de novo from the return of the warrant or process, or the making of the arrest. The person acting under this section, in place of the police justice, while so acting, shall occupy the office of the police justice and shall not do any official act, in a criminal case, elsewhere.

To issue process, etc., in his own name.

TITLE XI.

PUBLIC HEALTH.

Clerk of board of health.

§ 268. The clerk of the city, without other compensation than his salary fixed by the common council, shall be the clerk of the board of health, and it shall be his duty to attend the meetings thereof and

keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be prima facie evidence of the facts therein contained, in any court or before any officer. The number of health inspectors and their salaries shall be determined by the common council.

Measures for the prevention of infectious diseases.

§ 269. The common council shall have power to take such measures as they shall deem effectual to prevent the entrance of any pestilential or dangerous infectious disease into the city; to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected, with such a disease; to establish, maintain and regulate a pest-house or hospital at some place within the city, or not exceeding three miles beyond its bounds; to cause any person, not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city, infected with any such disease, to be removed to such pest-house or hospital, if the health physician and two other physicians of the city shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, or goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be or be likely to pass into such a state as to generate or propagate disease; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Masters of vessels, etc., having on board persons with infectious diseases prohibited from entering city.

§ 270. The captain, master or person in charge of any canal boat, steamboat, or other craft or vessel, which shall enter the city, having on board thereof any person sick of any malignant fever, or other pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by a fine or imprisonment, unless the person so diseased became so on the way, and could not be left. It shall be the duty of such captain, master or person in charge, within two hours after his arrival, to report, in writing, to the mayor, or some other health officer, the fact of such sick persons being on board, and the name, description and location of his craft; and he shall not permit such sick person to land or be landed, until the board of health, or some member thereof, shall give permission for that purpose; and any neglect or violation of these provisions, or of any or either of them, shall be a misdemeanor punishable with fine, or imprisonment, or both.

Conductors, etc., to report cases of infectious disease.

§ 271. The owner, driver, conductor, or person in charge of any stage, railroad car, or other public conveyance, which shall enter the city, having on board any person sick of malignant fever, or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report in writing the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor, or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor punishable with fine or imprisonment, or both.

Penalty for bringing into city

§ 272. Any person who shall, knowingly, bring or procure or cause to be brought into the city, any property of any kind, tainted or infected with any malignant fever, or pestilential or infectious disease,

Infected property.

shall be guilty of a misdemeanor punishable by fine or imprisonment, or both.

Board of health may order boat, etc., into quarantine.

§ 273. The board of health shall have power, by an order in writing for that purpose, to be served on the master, captain, or person in charge of any canal boat, steamboat, or other vessel or craft, or any owner or consignee thereof, if such boat, craft or vessel be by them suspected to have on board any infected or diseased person or property, to require such boat or vessel not to enter the city, or to remove to some certain distance not exceeding three miles from the city; and every such master, captain, person in charge, consignee or owner, who shall be served with such order, shall be guilty of a misdemeanor, punishable with fine or imprisonment, or both, if such boat, vessel or craft shall enter the city, in violation of such order, or shall not be removed according to the tenor of such order, within a reasonable time, not exceeding three hours after the service of such notice.

Violations of, how punished.

Inn keepers to report cases of sickness.

§ 274. Every keeper of an inn, or boarding or lodging-house in the city, who shall have in his house at any time any sick person, shall report the facts and the name of the person in writing within six hours after he came to the house or was taken sick therein, to the mayor or some officer or member of the board of health; every physician in the city shall report under his hand, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or any part of either of them, shall be a misdemeanor, punishable by fine or imprisonment, or both, the fine not to exceed one hundred dollars, nor the imprisonment six months.

Physicians to report cases of infectious disease.

Penalty.

Fines to be paid to city.

§ 275. All fines imposed under the last five sections shall belong to the city, and when collected, shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city.

Ordinances in relation to draining grounds, etc.

§ 276. The common council shall have power to pass and enact such by-laws and ordinances as they shall from time to time deem necessary and proper for the filling up, draining, cleansing, cleaning and regulating any grounds, yards, basins, slips or cellars within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the city, and for directing the mode of constructing them in future; and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons, respectively, upon whom the same may be assessed; and for that purpose to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith, to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require any thing to be done in respect to the property of several persons, the expenses thereof may be included in one assessment and the several houses and lots, in respect to which such expense shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot shall be the amount of money expended in making such improvement upon such premises, together

Expenses of, to be met by assessment.

with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Removal of dangerous buildings, etc.

§ 277. Whenever in the opinion of the common council any building, fence or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require; or may immediately, in case the order is not complied with, cause the same to be taken down, at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on the occupant of the premises, or be published in the city paper, as the common council shall direct.

Preservation of river, etc., from obstructions and deposit of filth and rubbish.

Control of vessels and other craft entering city.

§ 278. The common council shall have power to pass all such ordinances as they shall think proper and necessary, to preserve the Genesee river, and all canals, slips and basins in the city; to prevent and punish the casting or depositing therein, or on the banks thereof, any earth, ashes, or other heavy substances, filth, logs or floating matter; to prevent and remove all obstructions and accumulations of filth or rubbish therein, and to punish the authors thereof; regulate and prescribe the mode and speed of coming to and departing from the wharves and streets of the city, by steamboats, canal boats, and other crafts and vessels, and the disposition of the sails, yards, anchors and appurtenances thereof, while entering, leaving or abiding in the said city; and to regulate and prescribe by such ordinance, or through their officers, such a location of every canal boat, steamboat or other craft or vessel, or float, and such changes of station in and use of the same, as may be proper, in order to promote order therein, and the safety and equal convenience, as near as may be, of all such boats, vessels, crafts and floats, and may impose penalties, not exceeding one hundred dollars, for any offense against any such ordinance, and may by such ordinance charge any such penalty upon the steamboat, canal boat, or other vessel, craft or float, the captain, master, owner, consignee or person in charge of which is thereby liable therefor. Nothing in this section contained shall be construed to authorize the common council, or any of its officers, to interfere with any of the laws of this State, now or hereafter to be enacted, or with the acts and regulations of the canal board, in relation to the Erie canal, or any other canal being the property of the State of New York.

Penalty.

Attachment against vessel, etc.

§ 279. At or at any time after the commencement of any suit for a penalty imposed, in pursuance of the last section, against any person liable therefor, on the production of a certified copy of the ordinance imposing the penalty, and an affidavit showing the connection between the person sued and any steamboat, canal boat, vessel, craft or float, the justice before whom, or any judge of the court in which suit is brought shall issue or order the issuing of an attachment against such boat, vessel, craft or float, commanding the sheriff or any one of the constables of the county to attach and safely keep the same until discharged in due course of law. The fees allowed by law for serving an attachment against a non-resident debtor, and all the reasonable expenses incurred in keeping the property attached, shall be allowed to the attaching officer, and be taxed by such justice or the proper officer and added to and included in the final costs, if the city recover judgment. The attachment shall be discharged on the delivery to such justice or judge of a bond executed to the city by any claimant

Fees for service of.

Discharge of.

of the property, in a penalty, and two sureties to be approved by such justice or judge, conditioned for the payment of any judgment recovered against the defendant in the suit, in thirty days after the recovery thereof. If such property be not so discharged, execution upon any judgment obtained by the city in the suit shall be issued immediately, and shall be levied on such property, and the same shall be sold thereunder in the manner prescribed by law, in the same manner, and with the same effect as though it were the sole and unincumbered property of the defendant.

Execution to issue immediately.

§ 280. The provisions of the act entitled "An act for the preservation of the public health," passed April tenth, one thousand eight hundred and fifty, and the acts amendatory thereof not in conflict with this charter, shall be applicable to the board of health of the city of Rochester.

Act of 1850 applicable.

TITLE XII.

MISCELLANEOUS PROVISIONS.

§ 281. The common council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into and be satisfied of the sufficiency of such sureties, and may require them to submit to an examination under oath as to their property. Such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Examination as to sufficiency of sureties to bonds.

§ 282. The mayor or the chairman of any committee or special committee of the common council shall have power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee.

Power to administer oaths, etc.

§ 283. Any person who may be required to take any oath or affirmation, or to make any affidavit or statement under oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Willful false swearing to be perjury.

§ 284. If a suit shall be commenced against any person elected or appointed under this act to any office, for any act done, or omitted to be done, under such election or appointment; or against any person for having done any thing or act by the command of any such officer; and if final judgment shall be rendered in such suit, whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Double costs.

§ 285. The board of education is hereby authorized to organize a "teachers' class" in the free academy or high school of said city, which shall be entitled to an annual allowance from the "literature fund" of the State of New York, on the conditions and rules of the regents of the university, adopted for the distribution of said fund in other academies of the State in which such classes are instructed.

Teachers' class in high school.

§ 286. The common council may, from time to time, direct the city surveyor to prepare and furnish to the board of assessors for their use a brief description of any real estate in the city, or to prepare a roll or rolls of any real estate in the city for said board of assessors, exclusive

Description of real estate by surveyor for assessors.

of valuation. The common council may also take such measures as they shall deem expedient, to make the office of the board of assessors the repository of such maps, records, documents, surveys and other matters as may facilitate the full and accurate description of the real estate in the city, and direct the manner of keeping them; and shall provide that the same shall so be kept as to show the names of the owners and claimants of each piece or parcel of land, as far as the same can be ascertained. For the purpose of enabling the said board to prepare and perpetuate a more perfect record of the names of such owners and claimants, every deed of conveyance of lands in said city, or other instrument in writing, whereby the ownership of said lands shall be changed, made and executed after the first day of May, one thousand eight hundred and sixty-five, shall, before the same shall be received for record by the county clerk, be presented at the office of said board of assessors, who shall, without fee, note the said transfer of title upon the map in their office, and also note the fact of such presentation upon said deed. But nothing herein contained shall be construed to affect or impair the validity of any record in the county clerk's office.

Office of assessors may be made repository of maps, etc.

Deeds to be presented to assessors for note of transfer.

§ 287. Whenever any alderman in said city shall cease to reside in the ward in and for which he was elected, his office shall be vacant, and his powers as such alderman shall terminate.

Change of residence by alderman to vacate office.

§ 288. The managers of the house for idle and truant children in said city shall report to the common council, at its first meeting in January in each year, the estimated expenses of such institution for the ensuing year; and the expenses of providing and maintaining such institution for the reception, clothing, support and instruction of such children, shall be raised and defrayed by the common council in the same manner as charges for the support of the poor of said city, unless other provision shall be made for such children.

Managers of house for truant children to report.

§ 289. Before the owner of any vacant tract or parcel of land situate in the city of Rochester shall sell or convey to others any portion thereof in subdivisions of such tract or parcel he shall cause a map of such tract to be made, showing the subdivisions thereof, with the numbers of the lots and their dimensions, and all proposed streets, lanes and alleys; which map shall be filed in the office of the Monroe county clerk, and whenever such owner shall convey any portion of said tract in such manner as to effect a subdivision of any lots as designated in such allotment, he shall give notice thereof to the assessors of the city, specifying the part so divided and the manner of division.

Map of vacant lots to be made before sale.

§ 290. This charter shall be deemed a public act, and the legislature may at any time repeal, modify or alter the same.

Public act.

§ 2. All acts and parts of acts, so far as inconsistent with or repugnant to this act or to the charter as hereby amended, are hereby repealed or declared inapplicable to the said city; but the repeal hereby of any statutory provision shall not affect any action, proceeding, suit or prosecution had or commenced prior to the time when this act shall take effect.

Repealing clause.

§ 3. This act shall take effect immediately.

CHAP. 15.

AN ACT giving the consent of the State of New York to the United States for the purchase of land at New Brighton and ceding jurisdiction over the same.

PASSED February 19, 1880; two-thirds being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consent of state to purchase by U. S.

SECTION 1. The consent of the State of New York is hereby given to the purchase, by the United States, of a piece of land at New Brighton in Richmond county, adjoining the present light-house depot, on the west side thereof, and not exceeding two acres, for the purpose of said light-house depot; and the said United States may have, hold, use, occupy and own the said land when purchased, and exercise jurisdiction and control over the same and every part thereof subject to the restrictions hereinafter mentioned.

Jurisdiction ceded.

§ 2. The jurisdiction of the State of New York in and over said piece of land, when purchased by the United States, shall be and the same is hereby ceded to the United States for the purposes of the said light-house depot, and the jurisdiction hereby ceded shall continue no longer than the United States shall own such land.

State to retain concurrent jurisdiction.

§ 3. The said consent is given and the said jurisdiction ceded upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over the said land, so far that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the State of New York, against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therin,* in the same way or manner as if such consent had not been given or jurisdiction ceded.

When jurisdiction to vest.

§ 4. The jurisdiction hereby ceded shall not vest in respect to said piece of land until the United States shall have acquired the title thereto by purchase or grant, nor until the map and description mentioned in the next section shall have been filed and recorded as therein required, and so long as the said land shall remain the property of the United States when so acquired, and no longer, the same shall be and continue exonerated and discharged from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

Map.

§ 5. A map and description by metes and bounds of the land purchased under the provisions of this act shall be filed in the office of the secretary of State and by him recorded.

§ 6. This act shall take effect immediatly.

*So in original.

CHAP. 16.

AN ACT to amend chapter sixty-three of the laws of eighteen hundred and fifty-seven, entitled "An act to revise the charter of the city of Syracuse."

PASSED February 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of title five of chapter sixty-three of the laws of eighteen hundred and fifty-seven, entitled "An act to revise the charter of the city of Syracuse," is hereby amended so as to read as follows:

TREASURER AND TAX RECEIVER.

§ 15. The treasurer and tax receiver shall hold his office for three years. From and after his appointment under the provisions of this act, the office of city treasurer as heretofore existing under the charter of the city shall be abolished, and said treasurer and tax receiver shall possess all the powers and perform all the duties of city treasurer. From and after his appointment, the office of collector of taxes in the several wards in the city of Syracuse shall cease, and the said treasurer and tax receiver shall possess all the powers and perform all the duties heretofore possessed and performed by the collectors of the several wards, except as herein otherwise provided.

Term of office.

Office of city treasurer and collector abolished.

§ 2. All acts and parts of acts inconsistent with this act, so far as they are so inconsistent, are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 17.

AN ACT to amend chapter thirty-four of the laws of eighteen hundred and fifty-eight, entitled "An act to make school district number nine, in the town of Pomfret, a union free school district."

PASSED February 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter thirty-four of the laws of eighteen hundred and fifty-eight, entitled "An act to make school district number nine, in the town of Pomfret, a union free school district," is hereby amended so as to read as follows:

§ 10. The title of the school-houses, sites, lots, furniture, books and all the school property in said district shall be vested in said board of education; and the said board, in its corporate capacity, may take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise for the use of common schools in said district; and all the rights, powers and duties heretofore belonging to the trus-

Title to school property to vest in board of education.

tees of the Dunkirk academy, and all grants of land to said trustees by the Dunkirk association, or by any members thereof, or otherwise, are hereby vested in the said board of education; and all the rights, titles and interests which the said town of Pomfret, or the town or village of Dunkirk, or the trustees of the said academy may have had, or does now have, in the plot of ground given by the said Dunkirk association, or any one belonging thereto, to the said trustees in the year eighteen hundred and thirty-eight, or at any other time, as a donation to endow an academy as laid down on a certain map and filed in the office of the county clerk of Chautauqua county on the eleventh day of July, eighteen hundred and thirty-eight, and entitled "map of the town of Dunkirk, in Chautauqua county, State of New York, eighteen hundred and thirty-six, the termination of the New York and Erie railroad," are hereby vested in said board of education, whose duty shall be to carry out the object of the donors as expressed by them in a resolution adopted by said donors at a meeting held by them on the fourteenth day of January, eighteen hundred and thirty-eight; and the map so filed on the eleventh day of July, eighteen hundred and thirty-eight, together with the inscriptions and acknowledgments thereon by the owner or owners of said land, shall be deemed and construed in all courts as a good and sufficient deed of said plot of land to endow an academy to the trustees of the said academy; and the title of said trustees to the land so donated shall not be forfeited from non-acceptance or usage by said trustees during the time it has been used as a burial place, and prior to the removal of all the remains of the dead therefrom, nor from any other cause; and said board of education are hereby authorized to enter at once into the possession of said plot of land, and to have all the rights and powers hitherto vested in and possessed by the board of trustees of said village relative to the removal of any remains of the dead which may be found therein.

Title to land donated not to be forfeited.

§ 2. The annual election for members of said board of education shall be on the second Wednesday of October, and the polls for said election shall be open from twelve o'clock noon till eight o'clock in the afternoon.

Annual election.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 18.

AN ACT to amend chapter two hundred and seventy-seven of the laws of eighteen hundred and sixty-eight, entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December seventh, eighteen hundred and forty-seven," and the several acts amending the same, so far as relates to the village of Baldwinsville, Onondaga county.

PASSED February 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of title two of chapter two hundred and seventy-seven of the laws of eighteen hundred and sixty-eight, en-

General act so far as it

titled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed December seventh, eighteen hundred and forty-seven," and the several acts amending the same, so far as relates to the village of Baldwinsville, Onondaga county, is hereby amended so as to read as follows: applies to Baldwinsville amended.

§ 5. If any vacancy shall occur in any elective office, whether by failure to elect at the annual or special election, or from any other cause, except as herein specified, the trustees shall order and direct a special election to supply the vacancy for the unexpired term, to be conducted and held in the same manner as the annual election. Whenever the office of president and trustee shall, from any cause, become vacant, so as to leave the board of trustees without a quorum for the transaction of the business of such corporation, the remaining trustees, assessors and village clerk of said village, or any one or more of them, if the others refuse or neglect to act, are hereby authorized and empowered to appoint two competent electors in each ward of said village, who shall preside at and conduct, with the officers now authorized by law for that purpose, any annual election in said wards in the place and stead of, and with the same powers and duties now imposed upon and given to the trustees of said villages; such selections shall be made and published at least ten days before such annual election. Before entering upon the duties of inspectors of election, the electors so elected and appointed shall take and subscribe the usual oath of office in such cases, and cause the same to be filed in the office of the clerk of said village. Vacancies, how filled. Official oath.

§ 2. Section three of title three of said act is hereby amended so as to read as follows:

§ 3. It shall be the duty of the clerk to take charge of the corporate seal, and all books and papers belonging to the village; to attend to the meetings of the trustees, and keep a full record of all their proceedings, and of all matters relating to the election and appointment of village officers. He shall also keep an accurate account, under the appropriate head of expenditures, of all orders drawn on the treasurer, in a check book to be kept by him for that purpose; and he shall also enter in a book to be known as the clerk's minutes, a memorandum of all notices served by him, with the time and manner of service, and shall perform such other duties as are specified in this act, and all such as shall, from time to time, be required of him by the trustees. Within ten days after the passage of any by-law, regulation or public ordinance, he shall cause the same to be published, as herein directed, and shall enter in his books a memorandum of such publication; and the records and minutes kept by said clerk, under this section, or a certified copy thereof, shall be prima facie evidence of the facts therein contained, in all courts in which the same shall come in question; and he shall be allowed for his service such sum, not exceeding forty dollars per annum, as the trustees may direct, to be paid out of the treasury of the village. Duty of clerk. Accounts to be kept. By-laws, etc., to be published.

§ 3. Section four of title three of said act is hereby amended so as to read as follows:

§ 4. The treasurer shall receive all moneys belonging to the village, and keep an accurate account of all receipts and expenditures in such manner as the trustees shall direct, and no payment shall be made by him except upon warrants signed by the clerk and countersigned by the president; and whenever required by the trustees, he shall prepare written statements of his receipts, expenditures, and other matters relating thereto, as the trustees may desire, and shall be Duty of treasurer.

allowed such sum for his services as the trustees may direct, not exceeding twenty-five dollars per annum, to be paid out of the treasury of the village.

§ 4. Section five of title three of said act is hereby amended so as to read as follows:

Street commissioners, duty of.

§ 5. The street commissioners shall, under the direction of the trustees, superintend all the work done in or upon the streets, highways or other places in the village, and require the requisite number of laborers thereof; and on the last day in each month they shall certify to them the names of such laborers, and the work done by them respectively. They shall, within said village, possess the power and perform the duties of overseers of highways of towns, so far as the same are required and are consistent with this act; shall render to the trustees such statements of work done, and other matters relating thereto as may be required of them. One street commissioner shall be appointed for the first ward, who shall reside in said ward, and one street commissioner shall be appointed for the second and third wards, who may reside in either.

Moneys, how expended.

All moneys raised for highway purposes in the first ward shall be expended in said ward, and all moneys raised for the same purpose in the second and third wards shall be expended in said wards. They shall be allowed such reasonable compensation as the trustees shall decide they are entitled to, to be paid out of the village treasury.

§ 5. Section one of title four of said act is hereby amended so as to read as follows:

Quorum.

§ 1. The board of trustees shall act as such only when convened at a regular or special meeting; four trustees shall constitute a quorum for the transaction of business, and the concurrence of a majority of said board of trustees shall be requisite for the passage of any ordinance or resolution, which necessarily involves the payment or appropriation of any money or property of the village, or for any assessment for public improvement, and declaring a nuisance and directing its removal or abatement. The concurrence of a majority of said board present at a regular or special meeting shall be sufficient for any other act. The board of trustees shall meet annually ten days before the annual election; make and publish their annual report, and at such other times as are required by the provisions of this act, and as they shall by resolution direct, and also when called together by the president or any three trustees, they shall have power, and it shall be their duty at their meeting, to be held on the third Tuesday of March, or within fifteen days thereafter:

Annual meeting.

Board to appoint officers, etc.

1. To appoint the several officers whose offices are held by appointment, as herein provided.

2. To call special meetings of the electors of the village, whenever the same shall be deemed necessary by the board.

3. To examine and audit all accounts and claims against the village.

4. To fix the amount of the bonds required to be, by this act, given by the several officers herein named, and decide upon the sufficiency of the sureties.

5. To fix the compensation of the officers of the village, as herein provided.

To prescribe manner of keeping accounts.

6. To prescribe and direct the manner in which the treasurer shall keep the accounts and vouchers of his office, and the manner in which the clerk shall keep the records and papers of the village.

To issue tax warrants.

7. To issue warrants for the collection of taxes, and for the expenses of making and repairing sidewalks, abating nuisances, and for

the collection of assessments for the making, grading, altering and repairing of streets and alleys, and all other assessments authorized by this act.

§ 6. Subdivision number thirteen of section two of title four of said act is hereby amended so as to read as follows:

13. To regulate the ringing of bells and the crying of goods, wares and merchandise, or other commodities, in the streets of said village, and to regulate the hawking, peddling, auctioneering or sale of property in said village. Nothing herein contained shall be construed to prevent the peddling of wholesome meats, fish, milk, vegetables and fruits, in any of the streets of said village. To regulate ringing of bells, etc.

§ 7. Subdivision number twenty-one of section two of title four of said act is hereby amended so as to read as follows:

21. To have charge and custody of the cemetery belonging to said village; to prescribe rules and regulations for burying the dead; to dispose of such portions of said cemetery as now remain unsold, and to do all things necessary to keep such village cemetery in good condition and repair. But the trustees, or a majority of them, may and they are hereby authorized to grant and convey said village cemetery to and put the same under the control and management of the Riverview Cemetery Association, in said village, and to execute, or cause to be executed, the requisite deed of conveyance for the purpose aforesaid; and the said rural cemetery association is authorized to take such grant or conveyance and assume and exercise the control and management of said village cemetery under the same rules and regulations, and subject, in all respects, to the statutes authorizing and governing the organization and management of rural cemetery associations; and in case such transfer shall be made as above provided, then such cemetery fund and all the moneys belonging thereto shall be transferred and paid over to said Riverview Cemetery Association, to be used by said association for the purposes aforesaid, any thing herein contained to the contrary notwithstanding. To have charge and control of cemetery. May convey same to Riverview Cemetery Association.

§ 8. Section one of title five of said act is hereby amended so as to read as follows:

§ 1. It shall be the duty of the assessors, on or before the second Monday of April in each year, to make an assessment of all the taxable property within the limits of said village in the same manner as assessors of towns are now required by law to assess real and personal estate; and the said board of trustees shall, at the same time, prepare estimates of all expenditures required for all ordinary current expenses of said village, including the amount required for highway purposes of all kinds within the current year; and they shall thereupon cause to be apportioned and assessed the amount of their estimates upon all persons and property named in said tax list; but the amount so required to be raised shall not, in any case, exceed for all such expenditures in any one year the sum of two thousand four hundred dollars; and the said trustees shall have no power to raise any other tax for road or other purposes in any one year, except such other special tax as may be authorized by a special meeting of the freeholders and taxable inhabitants of said village as herein provided. Duty of assessors.

§ 9. This act shall take effect immediately.

CHAP. 19.

AN ACT to amend chapter four hundred and seventy-nine of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the village of Dunkirk."

PASSED February 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

SECTION 1. Section two of title one of an act to amend the charter of the village of Dunkirk, passed April twentieth, eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

Wards

§ 2. The said village shall be divided into four wards, bounded as follows: First ward — all that part of said village lying north of the center of the Lake Shore and Michigan Southern Railroad, and east of Central avenue. Second ward — all that part of said village lying west of Central avenue. Third ward — all that part of said village lying south of the center of the Lake Shore and Michigan Southern Railroad, and east of Central avenue, and west of the center of Lion street to its intersection with East Seventh street; thence easterly along the center of said East Seventh street to its intersection with Lamphear street; thence southerly along the center of said Lamphear street to the bounds of said village. Fourth ward — the fourth ward shall consist of all that part of said village lying east of the third ward, and south of the center of the Lake Shore and Michigan Southern Railroad.

§ 2. Section three of title one of said charter is amended so as to read as follows:

Election districts.

§ 3. The said town of Dunkirk is hereby divided into four election districts, bounded respectively as follows: All that part of said town lying northerly of said railroad, and easterly of Central avenue, shall be the first election district; all that part of said town lying westerly of Central avenue shall be the second election district; all that part of said town lying southerly of the third ward of said village, between Central avenue and Lamphear road, together with the third ward of said village, shall be the third election district; all that part of said town easterly of the third election district, and southerly of the said railroad, shall be the fourth election district. And hereafter the polling places in said town shall be at least seven hundred feet from each other.

§ 3. Section two of title three of said charter is hereby amended so as to read as follows:

Trustees, election of.

§ 2. The electors of the first and third or each ward bearing uneven numbers, shall, at the first election held after the passage of this act, elect two trustees of said village, who shall hold their office for one year; at the next election and every second year thereafter, they shall elect in each of said wards two trustees of said village, who shall hold their office for two years. The second and fourth, or wards bearing even numbers, shall each at the first election after the passage of this act, and every second year thereafter, elect two trustees of said village, who shall hold their office for two years. The electors in each ward shall each be entitled to vote hereafter for one trustee, and the two persons receiving the highest number of votes in each ward for the

office of trustee shall be declared elected; and no ticket containing the name of more than one person for said office of trustee shall be counted. Each ward and election district shall hereafter elect annually on the town ticket, three inspectors of election, and each elector shall be entitled to vote for two inspectors, and the three persons having the greatest number of votes shall be declared elected as provided by law. No person shall vote for inspectors of election in said town, excepting for those residing in his own ward or district. No person shall be eligible to the office of trustee in said village, except he be a resident and tax payer in the ward from which he may be elected, as shall appear from the last preceding assessment roll.

Inspectors of election.

Residents and tax-payers only eligible to office of trustee.

§ 4. Title seventeen of said charter is hereby amended by adding thereto a new section, to be known as number four, and to read as follows:

§ 4. For the village taxes necessary to be raised for the fiscal year commencing on the first of March, eighteen hundred and eighty, the board of trustees are hereby authorized to use the next preceding town assessment roll as provided in section one of this title, making therein such corrections as are provided for in section two of this title, any time previous to the first of April, eighteen hundred and eighty; and thereafter a copy of the assessment roll, made by the town assessors, as provided in section one of this title, shall be the one for raising the next succeeding annual village tax; and said board of trustees are hereby authorized to levy and collect the annual village tax any time after the first day of April of each year.

Assessment roll.

Annual tax.

§ 5. Section one of title three of said charter is hereby amended so as to read as follows:

§ 1. The officers of the town of Dunkirk, to be elected at the annual town meeting, shall be separate and distinct from the village officers, except such officers as are hereinafter designated, and shall consist of a supervisor, town clerk, two justices of the peace, one commissioner of highways, two constables, three assessors who shall hold their office for the term of three years, one overseer of the poor, and three inspectors of election. The officers of the village of Dunkirk to be elected shall be a president, village clerk, one treasurer, a sealer of weights and measures, and a street commissioner, who shall severally hold their offices for one year from the first Tuesday of March, in each year, and until their successors have duly qualified; the persons elected as town assessors shall, by virtue of their being elected as such, also be the village assessors; and a police justice, to be elected as provided by law, every second year.

Town officers.

Village officers.

§ 6. Hereafter, what is designated in said village the "board of trustees," shall be known as and designated the "common council" thereof, and the trustees shall be known as and designated, councilmen, and the ballots of the election of the same shall read when folded, "councilman" and wherever in the charter of said village, and acts amendatory thereof, the word "trustee" or "trustees" occurs, it shall be construed and read, councilman or councilmen, as the case may be. The common council are hereby authorized to appoint such number of constables or police officers as it shall deem necessary; said constables to have all the rights, powers and duties of constables of towns as provided by law, and shall hold their respective offices for one year unless sooner removed for cause by said common council; and said officers and the constable elected on the town ticket are hereby authorized to arrest, with or without process, any person or persons violating any village ordinance, and to take such person or persons forthwith

Common council.

Policemen or constable, powers and duties of.

before the police justice in said village, or in his absence from his office before one of the civil justices of said town, to be punished as provided in said ordinances and by-law. Hereafter what is known and designated as the "village of Dunkirk" shall be known and designated as the "city of Dunkirk;" and wherever in said charter, or any acts amendatory thereof, the word "village" occurs it shall read "city," and wherever the word "president" occurs it shall read "mayor."

Corporate name.

Receiver of taxes

§ 7. There shall be elected for the town and village of Dunkirk, as hereinafter provided, an officer to be known as the receiver of taxes, who shall hold his office for two years from the first Monday in May succeeding his election, and until his successor has been duly elected and qualified.

How elected.

§ 8. The said receiver of taxes shall be elected by a majority vote of a joint board composed of the common council, the board of water commissioners of said village and the board of education of the town of Dunkirk. The supervisor of said town shall, if present, preside at said joint meeting, and only in case of a tie shall have a vote, except he be a member of one or more of the bodies making up the joint board. Each member of the joint board shall be entitled to cast one vote for each body composing said joint board of which he may be a member. In case the supervisor is absent said board may appoint one of their number chairman thereof; and they shall appoint the village clerk or one of their number as secretary thereof. For the election of said receiver of taxes the said joint board, or a majority of the members thereof, shall meet at the council room of said village on the first Monday in April, after the passage of this act, at ten o'clock in the forenoon, and every second year thereafter. In case of no quorum being present, the members present may adjourn from time to time to the same place; and should there not be a majority of said joint board present, and an election made on or before the last Monday in April, those present of said joint board may proceed and elect said receiver of taxes at said meeting on the last Monday of April. Said election shall be by ballot, and to elect shall require a majority of the votes cast; and it shall be the duty of the village clerk to notify each member of said board, in writing, of the day, hour and place of said meeting at least two days prior thereto. Upon the election of said receiver of taxes the secretary of said joint board shall make three certificates thereof, to be signed by the chairman of the meeting and countersigned by himself, and give one copy to the supervisor of said town, one copy to the treasurer of said village and one copy to the secretary of the board of education, and shall cause the proceedings of said joint board to be entered upon the village records. In case of a vacancy in said office of receiver of taxes the treasurer of said village is hereby authorized, and it shall be his duty, to at once take possession of the office and all the books and papers therein and act as said receiver until his successor shall be elected and qualified. Upon the occurrence of a vacancy it shall be the duty of the village clerk to at once notify all the members of said joint board and the supervisor of said town, in writing, to be delivered personally or left at their residences or places of business at least twenty-four hours prior to their meeting, of such vacancy, and name in said notice the time of meeting, within one week from the date thereof, for the purpose of filling such vacancy, which said board are hereby authorized to do, proceeding in the same manner as at a regular meeting.

When election to be held.

Certificates of election.

In case of vacancy treasurer to take possession of office.

Vacancy, how filled.

Official oath and bond.

§ 9. Before entering upon the duties of his office the said receive of taxes shall take and subscribe the usual oath of office, which shall

be filed in the town clerk's office of said town; and said receiver of taxes shall, within ten days after being notified of his election, execute a bond to the common council, with sufficient sureties, in the penal sum of twenty thousand dollars, conditioned for the faithful discharge of his duties as receiver of taxes and assessments for the village of Dunkirk, which bond shall be approved by said common council before said receiver shall collect any tax or assessment for said village. The said receiver shall, also, within ten days after being notified by the board of education to furnish his bond, execute the same to the board of education, with sufficient sureties, to be approved by said board, in the penal sum of at least twice the amount to be collected for said board of education, for the faithful discharge of his duties as receiver of the school tax of said town, and he shall collect no taxes therefor until his bond has been approved by said board, and filed with the secretary thereof. The said receiver shall, also, on or before the first day of November in each year, execute a bond to the supervisor of said town of Dunkirk, with sufficient sureties to be approved by said supervisor, in the penal sum of at least twice the amount of State, county and town tax, to be collected for that year, and, until approved by said supervisor, the said receiver shall not collect any tax or assessment for said town. In case the said receiver shall neglect to execute and deliver the bonds herein mentioned, or either of them, as above provided, it shall be deemed as a refusal to serve, and the treasurer of said village shall thereupon declare said office of receiver of taxes vacant.

Bond for school tax.

Bond for state and county tax.

§ 10. It shall be the duty of said receiver of taxes to receive and collect all State, county, town, school, and village taxes and assessments that may be levied and assessed upon the town or village of Dunkirk, and to safely keep all assessment rolls and tax lists that may be delivered to him, to enter daily in a suitable book or books the sums of money received by him, the names of the persons from whom received, the particular tax or assessment on which such sums were paid, also showing in one column the amount paid as fees for collection; and said books shall be public record, and shall be open during office hours to public inspection. He shall deposit all moneys received by him, by virtue of the warrant from the common council, for village taxes or assessments, the same day it is received, with the village treasurer, or in some bank to be designated in writing by said treasurer. All money which he shall receive or collect for the board of water commissioners, he shall deposit the day it is collected with the treasurer of said board, or in some bank to be designated in writing by said treasurer. All money which he shall receive or collect by virtue of his warrant from the board of education, he shall deposit, the same day it is received, with the treasurer of said board, or in some bank to be designated in writing by said treasurer. All money received or collected by said receiver of taxes, by virtue of his warrant from the supervisors, for State, county and town taxes, he shall deposit, the same day it is received, in some bank in the town of Dunkirk, to be designated in writing by the treasurer of Chautauqua county, to the credit of said county treasurer, excepting such sums as may be required by his warrant to be paid to the town officers of the town of Dunkirk, which said sums of money shall be placed in some bank designated by the supervisor, on the day of their receipt, to the credit of the supervisor of the said town. All percentages and fees received and collected on any of the above-mentioned taxes or assessments shall be deposited, the same day they are received,

Duty of receiver of taxes.

To deposit money.

Fees and per centages to be deposited.

with the treasurer of said village or the bank designated by said treasurer, and credited to said village of Dunkirk. Said receiver shall, for all deposits of money, take duplicate receipts, retaining one in his office and forwarding the other by mail or personal delivery the same day to the treasurer of the respective funds which he shall have deposited.

General powers of receiver of taxes.

§ 11. The said receiver of taxes shall have all the rights, powers and duties that are by law given to collectors of taxes, excepting that it shall not be his duty to call in person upon those assessed and liable to pay a tax. Upon all taxes paid, after the receipt by him of the assessment roll, and within thirty days after the publication in at least two of the newspapers published in said town, giving notice thereof, which notice it shall be his duty to give, he shall collect one per cent additional, and one cent for every fractional part of one dollar; and upon all taxes and assessments paid after the expiration of the said thirty days he shall add and collect five per cent, and five cents for each fractional part of one dollar; after the expiration of sixty days from the receipt of a tax roll, and the publication thereof as herein provided, the said receiver may issue his warrant, directed to any constable or police officer of said village, who shall immediately proceed to collect all unpaid taxes and assessments, by distress or otherwise, in the same manner as collectors of town taxes are now authorized, and the taxes so collected shall be paid by said constable or police officer immediately to said receiver. Such constable or officer shall be entitled to receive the same fees as are by law allowed in a levy and sale under execution for the collection of a judgment for debt; said fees to be collected at the same time with the taxes. All taxes and assessments which may be levied and issued under warrant of the supervisors or the board of education of said town and returned as uncollected shall be by the said receiver returned in the manner now provided by law; and all taxes or assessments levied and issued under a warrant of the common council of said village, and returned as uncollected, shall be returned to said common council. And said common council shall, prior to the first day of October in each year, cause a copy of such returned taxes, properly verified by the president and clerk of said village, and the seal thereof attached, to be sent to the treasurer of said county of Chautauqua. Said treasurer shall strike off from said return all property imperfectly described, and return a statement of the same to the assessors of said town of Dunkirk, whose duty it shall be to add such property, properly described, to the next assessment roll, and the returned tax therefor shall be added to the next succeeding tax upon said property, with interest thereon, as shall be ordered by said common council. After striking out such imperfectly described property and tax thereon, said treasurer shall, out of any money in his hands, not otherwise appropriated, pay to said receiver the amount of tax so returned; and the said county treasurer shall take the same steps for the collection of said returned tax as he is required by law to take for collecting returned school taxes of said town, and as required by chapter two hundred and twenty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act in reference to the collection of taxes in the counties of Chautauqua and Cattaraugus." And said treasurer shall, before the sale of any land located in said town for the unpaid taxes thereon, cause a notice of such sale, describing each piece of property and giving the amount of tax on the same, to be published in at least two of the newspapers of said village for four successive weeks; and to pay for such publication he is hereby authorized to charge and collect from the

Notice to be published.

Per centages.

Tax warrant.

Officer may levy and sell.

Uncollected taxes to be returned.

Treasurer to strike off property imperfectly described.

Treasurer to pay uncollected taxes.

Notice of sale of land to be published.

owner or purchaser of such land the sum of fifty cents for each piece or parcel of land so advertised; and for each piece or parcel of land so returned he shall be entitled to collect from the owner or purchaser, for his own fees, the sum of fifty cents; and for every certificate of sale that he may issue to the purchaser of said land, to be paid by the said purchaser, he shall be entitled to the sum of fifty cents; and for every deed or conveyance given to the purchaser after the date for redemption has transpired, he shall be entitled to receive from the purchaser the sum of seventy-five cents, provided there is but one piece or parcel of land described in said deed, and if more than one, twenty-five cents for each additional piece or parcel of land described therein.

Common council to provide suitable rooms for receiver of taxes.

Salary.

Office hours.

§ 12. It shall be the duty of the common council of said village to provide, in the building where said council meet, a suitable room for said receiver of taxes, and to pay said receiver an annual salary of one thousand dollars, in quarterly payments, and to properly furnish, heat and light said room, and to provide such stationery as is required for the business of said office. The office of said receiver of taxes shall be open daily, Sundays and legal holidays excepted, from nine o'clock in the forenoon to three o'clock in the afternoon, whenever he may have in his possession any uncollected tax or assessment roll; and said receiver is hereby authorized to appoint some suitable person as deputy receiver of taxes who shall hold his office during the pleasure of the receiver of taxes; said deputy shall, while in office, have the same power as the receiver to collect and receipt for the payment of taxes, but shall be subject to the direction and control of the receiver, and his compensation shall be paid by the said receiver and shall not be chargeable against said town or village. Any default or misfeasance in office of any such deputy receiver shall be deemed to be a breach of the conditions of the bond given by the receiver who appointed him.

Deputy receiver may be appointed.

To enter transfer of real property.

§ 13. Said receiver shall enter in a suitable book all changes and transfers of real property that may come to his knowledge, and furnish a copy of the same to the assessors of said town on or before the first day of May in each year, and all fees and percentages of every kind received by him in the collection of taxes shall be paid to the treasurer of said village, or to some bank designated by said treasurer, for the use of said village.

Examination of official books, etc.

§ 14. The supervisor, president of the village, president of the board of water commissioners, and the president of the board of education of said town and village, are hereby authorized, and it shall be their duty, to examine from time to time, and whenever they wish, the official books and papers of said receiver; and if, at any time, they may find an essential non-compliance with the provisions of this act, relating thereto or any part thereof, they may, by a majority vote of their number, declare said office vacant; in such case they shall immediately notify the treasurer of said village, in writing, signed by a majority of their number, and said treasurer shall forthwith take possession of said office, and at once notify the village clerk to call a meeting of the joint board, as provided in this act; and until said joint board has elected a receiver of taxes, and he has qualified as herein provided, the said treasurer shall have all the rights, powers and duties of the said receiver, and shall receive the same compensation. The said receiver shall have the right to require bonds of any officer whom he may authorize to collect any taxes or assessments, but said receiver shall be responsible for the acts of said officer, in the proper discharge of his duties, as collector of such taxes and assessments.

Bonds of other officers collecting taxes.

§ 15. Section three of title six of said charter is hereby amended so as to read as follows:

Attorney and other officers.

§ 3. At the first annual meeting the common council may appoint one village attorney, one chief engineer of the fire department, with such number of assistants as said common council may deem necessary; one village physician, one measurer of wood, and such other officers as said council are by this act authorized to appoint; and, at any time, to appoint as many watchmen as it shall deem best, and an officer to be known as the "city engineer and surveyor," and to define his duties. The council shall, at such meeting, designate a newspaper published in said village, to be known as the village paper, which shall be the official paper of said village for the ensuing year; but the same newspaper shall not be designated for two successive years, provided there is more than one published in said village.

Village paper.

§ 16. Section one of title twelve of said charter is hereby amended so as to read as follows:

Common council may pass resolutions declaring its intention to construct sewers, grade streets, etc.

§ 1. Whenever the common council may deem it necessary to construct a sewer in any street, to grade, pave, macadamize or plank any street or part of a street in said village, it is hereby authorized to declare, by resolution, its intention so to do, and to take all necessary steps for doing said work as provided in sections two and three of title twelve, and in section two of title thirteen of this act, and to order said work to be done, and to let the contracts therefor by a majority vote of said common council; and for the purpose of making assessments under this title the property adjoining the street in which, and along the line of which the sewer is so constructed, and adjoining that part of the street so graded, paved, macadamized or planked, shall be taken to be the only property benefited by such improvement; and the cost of constructing that part of a sewer passing under such cross streets, as it may become necessary to pass under in the construction thereof, shall be assessed to said village, or to such property in said cross streets as may be owned and controlled by corporations or individuals; and in estimating the benefits from any such paving, planking or macadamizing done, or any street along which a railroad is running or using a part thereof, the company owning such railroad shall be estimated as benefited by such paving, planking or macadamizing in proportion as its tracks and usage of said street may bear to the width of the whole street, and be assessed for such work proportionately thereto; but any part of a sidewalk along such street, built by order of the common council, shall not be considered part of such street.

Cost of, how to be assessed.

Street commissioners to notify persons to repair walk.

§ 17. Whenever said council shall order any sidewalk repaired in said village it shall be the duty of the street commissioner to notify the persons owning such walk, by written or printed notices left at their places of residence or delivered to them personally, to repair said walks within the time mentioned in such notices, which shall not be less than five days; and if such sidewalks are not so repaired to the satisfaction of said street commissioner, within the time specified, said commissioner may at once repair the same and cause the expense thereof to be assessed upon the owner or occupant of the adjoining property. In case said commissioner can find no owner or occupant, or registered agent of land adjoining a sidewalk so ordered to be repaired in said village, he shall cause a written or printed notice ordering said repairs to be made to be put upon said land in a conspicuous place for at least five days before he shall make any repairs, and if not so repaired he may cause the same to be done and make his return

showing the cost thereof against said land as non-resident, or to the actual owner, if he can learn the owner's name. In case any of the sidewalks in said village shall become, in the judgment of said street commissioner, or of the committee on sidewalks, dangerous to life or limb, it shall be the duty of said commissioner to immediately repair the same, without giving notice as aforesaid, and charge the cost thereof to the person owning the land adjoining.

To repair dangerous walks.

§ 18. In case of the creation of a new ward in said village by the common council under any law of this State or as provided in chapter seventy-seven of the laws of eighteen hundred and sixty-six, the said council may extend the boundary lines of said ward through that portion of the election district of which the ward formed a part before its division, lying in said town, making by such division a new election district in said town or village. For all town and village elections it shall be the duty of the common council to give notice therefor; said notice to be signed by the clerk of said village, and cause the same to be published for one week prior to said elections in at least two of the newspapers published in said town. Said council shall also designate, by resolution, the polling places for the several wards and districts. Said common council shall cause written or printed notices, signed by the clerk of said village, to be put up in at least three public places in each ward stating the day of the election, and the offices to be filled and the place where said election shall be held. A failure to print or give a full week's notice for said election as herein required shall not invalidate such election.

In case of creation of new ward, may make new election district.

Notice of town and village elections.

§ 19. All the public streets in said village laid down on the several maps thereof and filed in the office of the county clerk of the county of Chautauqua and dedicated to said village, and particularly those streets dedicated by what is known as "The Dunkirk Association," as laid down on a certain map, caused by said association or some member or members thereof to be made and filed in said county clerk's office on the eleventh day of January, eighteen hundred and thirty-eight, entitled "Map of the town of Dunkirk, in Chautauqua county, State of New York, eighteen hundred and thirty-six," the termination of the New York and Erie Railroad are hereby declared public streets, and said common council are hereby authorized to cause said streets to be opened for public use; and the title of said village to any of the streets or public grounds dedicated by the said association to said village, and laid down on said entitled map, shall in no manner be abridged or forfeited from non-acceptance or usage by said village, or by reason of occupancy of said streets or grounds by private individuals or corporations; and no person from occupancy or in possession of a street, or any part thereof, running through land that was formerly owned by any members of the said association, and laid down on their said map when so owned, as a dedication for a street or streets, shall have any claim to said street, or receive any damages from said village by reason of said village taking possession thereof, and using the same for a street. Said council may order said dedicated streets, or any part thereof, to be opened at any time after publishing a notice for four successive weeks in the village paper of its intention so to do, in case no written remonstrance is made to opening the same. In case of a written remonstrance served on the president or clerk of said village, by any person claiming to own any part of said street, prior to the expiration of the time for giving said notice, the council may direct the president of said village, or the attorney thereof, to give a written notice to the person so remonstrating, that an application will

Public streets.

Dedicated streets may be ordered opened.

Proceedings in case of written remonstrance.

be made to the county court or the supreme court for the appointment of three disinterested commissioners, which commissioners said courts are hereby authorized to appoint, to determine the rights of the village and those claiming to own any part of said street. Said commissioners shall make a thorough investigation as to the legal ownership of the respective parties in said streets; and in case said commissioners, or a majority of them, find that the persons so remonstrating have a legal claim to any part thereof, they shall find and fix the damages accruing to each of such persons. In case a majority of the commissioners find that the persons claiming to own any part of the street ordered open have no legal claim to the same, as defined in this act, they shall so find in their report. Said commissioners shall make a full report of their doings, and their conclusions respecting the same, to the court who appointed them, within thirty days from their appointment, or when directed by the court who appointed them, and if it approve of said report and conclusions, it shall confirm the same, and such decision shall be final. If the claim of the persons assuming to own said street is not maintained, they shall be liable to said village for all costs incurred in determining the matter, and in case their claim is maintained, wholly or in part, the village shall pay all costs, not including fees of counsel for the claimant. If such court, with or without hearing argument, does not approve of the decision of a majority of said commissioners, it may direct them as to what changes should be made, in which case it shall be their duty to conform to such directions, or it may dissolve said board and appoint new commissioners to more thoroughly examine the matter, with such directions as to costs of the board dissolved as it may deem just. The final decision of the commissioners, and the approval of the court, shall be given to the clerk of the village, and by him entered upon the village records, and reported to said council. Said council shall, if any damages are awarded by said commissioners, appoint three special assessors to assess said damages upon the property deemed benefited by the opening of any streets through said dedicated lands, but in no case shall property be deemed benefited by the opening of any streets through lands so dedicated, excepting such as adjoins that part of the street so opened. Upon the confirmation of said special assessment by the council, it may cause the money so awarded to be paid to said claimants, less the amount of their assessment and proportionate part of costs of assessment, and cause the said street to be immediately opened for public use, and the costs for grading and working such streets shall be paid as provided in said charter, for the grading, working or opening of new streets.

To report to court.

Costs, by whom to be paid.

Final decision to be recorded.

Common council may order streets to be opened and worked.

Proceedings.

§ 20. The said common council are hereby authorized to have any of the streets in said village, as laid down on the said map, and not included in those dedicated to said village by said Dunkirk association, opened and worked for public use. Said council shall proceed in the same manner for opening such streets as provided in the last preceding section, and the court and commissioners so appointed shall have the same powers and duties as stated in said last section; and the parties owning said land, and the village, shall be entitled to introduce evidence as to the amount of damages sustained, and the award therefor as finally confirmed by said court shall be final, and shall be paid by said village before proceeding to the opening of said streets. After the payment of said award, or a proper tender thereof, as shall be directed by said court, in case of a refusal to accept of the same by the person to whom it may be awarded, the said council may cause said

street or streets to be opened for public use and all expense of said commissioners, together with their compensation, shall be paid by said common council; and said commissioner shall be entitled to a compensation of five dollars each for every day so acting as such commissioner, but the time so paid for shall not exceed ten days for any one street, to each commissioner.

Common council may make amicable arrangement with owners.

§ 21. The common council may at any time before the appointment of said commissioners, or before the final award, make an amicable arrangement with the assumed owners of land through which they propose to open a street as provided for in the last two preceding sections; in which event all proceedings shall cease and the costs shall be paid by said council. In case of no remonstrance to the opening of dedicated streets within the time mentioned in section nineteen of this act, the said council may cause said street to be opened and worked at any time. In opening streets mentioned in section twenty of this act, said council must have commissioners appointed, as herein provided, unless they shall come to an amicable arrangement with the owners of the land through which said street is to be opened.

Removal of obstructions to streets.

§ 22. Said common council may, at any time after one week's notice, published in the village paper ordering obstructions to be removed from streets actually in use by the public and belonging to said village, summarily cause all fences and obstructions of every kind to be removed from such streets, and to assess the cost thereof upon the owner of the land adjoining that part of the street where such obstructions may be found; and all acts of the trustees of said village, or their agents and employees, or any officer of said village, in heretofore removing obstructions or encroachments of any kind to some place outside of the line of any street or avenue, used wholly or in part by the public, is hereby legalized, confirmed and approved.

§ 23. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 24. This act shall take effect immediately.

CHAP. 20.

AN ACT to authorize the extension of the time for the collection of taxes in the several towns of this State.

PASSED February 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

If collector pays over money, makes return and renews bond, time to collect taxes to be extended to the first day of May.

SECTION 1. If any collector or receiver of taxes in any town of this State shall pay over all moneys collected by him and shall make his return to the treasurer of his county, as now required by law, of all unpaid taxes on lands of non-residents, and shall renew his bond as herein provided, the time for the collection of all other taxes and for making return thereof, by him, shall be, and is hereby extended to the first day of May, eighteen hundred and eighty; such bond shall be renewed with such sureties as in any town shall be approved by the supervisor thereof, or in case of his absence or inability to act, by the town clerk thereof. The penalty thereof in any case shall be double the amount of taxes in that case remaining uncollected. The bond shall be approved in writing and filed in the same manner as the

Penalty of bond.

original bond is required by law to be filed and to have all the effect of the collector's or receiver's bond. A copy of the bond and the approval thereof shall, within fifteen days after the passage of this act, be delivered to the county treasurer of the county in which said town is, but nothing herein contained shall be construed as extending the time for the payment of the State tax, or any part thereof, by the county treasurer of said county to the comptroller as now provided by law.

Copy of bond to be delivered to county treasurer.

Secretary of State to distribute copies.

§ 2. It shall be the duty of the secretary of State, immediately after the passage of this act, to cause to be printed on slips of paper and delivered to each county treasurer a sufficient number thereof to supply one copy to each collector or receiver of taxes in said county, and it shall be the duty of said county treasurer to deliver one copy thereof to each collector or receiver of taxes in his county.

§ 3. This act shall take effect immediately.

CHAP. 21.

AN ACT to authorize the sale by towns, cities and villages in the counties of Chenango, Delaware, Madison, Ulster, Sullivan, Cortland, Orange, Cayuga and Oswego, the towns of Pittsfield and Edmeston, in the county of Otsego, and the town of Vienna, in the county of Oneida, of capital stock in railroad companies.

PASSED February 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certain towns authorized to sell railroad stock.

SECTION 1. The several towns, cities and villages in the counties of Chenango, Delaware, Madison, Ulster, Sullivan, Cortland, Orange, Cayuga and Oswego, the towns of Pittsfield and Edmeston, in the county of Otsego, and the town of Vienna, in the county of Oneida, are hereby authorized and empowered to sell and transfer all or any portion of the capital stock of the New York and Oswego Midland Railroad Company now owned, or that shall be hereafter issued to, and owned by them, or either of them; and the several towns and villages in the county of Chenango are hereby also authorized and empowered to sell and transfer all or any portion of the capital stock of the Utica, Chenango and Susquehanna Valley Railroad Company, now owned by them, or either of them.

What officers may make the sale.

§ 2. The railroad commissioner or commissioners, or the supervisor in towns where there are no railroad commissioners, for any of the said several towns, cities and villages, appointed under and pursuant to the statutes authorizing the bonding of the said towns, cities and villages in aid of said companies, or either of them, and to take and subscribe for the capital stock issued by them, or either of them, may make a sale and the necessary transfer of the said capital stock, or of any part thereof, now held, or that shall be hereafter issued to, and held by, their respective towns, cities or villages, at such times and on such terms as to them shall seem advisable; but no such sale and transfer shall be made by the commissioner or commissioners, or the supervisor acting as such commissioner of any town, without the approval and consent in writing, of a majority of the justices of the peace, in all

No sale to be made without the approval of a majority

towns where the supervisor acts as such commissioner, and in all other towns, of the supervisor and a majority of the justices of the peace of such towns, or by the commissioner or commissioners of any village, without the like approval and consent of a majority of the trustees of such village, or in any such case without the approval and consent, in writing, of the county judge of the county in which such town or village is situated, which consents shall state the terms of sale and shall be acknowledged in the manner required for the acknowledgment of conveyances of real estate for record, and shall be filed and recorded in the clerk's office of the said county. But no such sale and transfer shall be made by the commissioner or commissioners of any city until the following provisions have been fully complied with, viz.: Whenever said commissioner or commissioners shall receive any proposition for the sale of the whole or any portion of said stock, said commissioner or commissioners shall notify, in writing, the common council of the city, for which said commissioner or commissioners may have been appointed as aforesaid, of the terms and provisions of such proposed sale; and the said commissioner or commissioners shall not make a sale or transfer of said capital stock, or any part thereof, unless said common council, at a regular or special meeting, by a vote of the mayor and two-thirds of all the aldermen elected of said city, approves and consents to such proposed sale of said stock, or any part thereof. After said commissioner or commissioners shall notify the common council of any city in writing as aforesaid, the city clerk of said city shall cause the same to be published in the official paper or papers of said city, if there be any, at least twice; and the common council of any such city shall not approve or consent to such proposed sale at any regular or special meeting, unless said notification shall have been published at least twice in the official paper or papers of said city, if there be any. But no such sale and transfer shall be made until the official record of all such proceedings containing the notice of the said commissioners to said common council of such proposed sale, and the vote of the mayor and common council thereon, received the approval and consent of the county judge of the county in which any such city is situated.

of justices of the peace, or other officers named.

Proviso.

Notice to be published.

Official record to be approved before sale is made.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 22.

AN ACT to regulate the depositing of securities by insurance companies with the superintendent of the insurance department.

PASSED February 20, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases where by the laws of this State any insurance company is required to deposit with the superintendent of the insurance department, stocks or bonds of the United States, or of the State of New York, as security for policy-holders, bearing not less than six per centum interest per annum, the superintendent may receive, for the purposes of such deposit, registered stocks or bonds of

Superintendent may receive bonds bearing not less four per ct. interest.

the United States, or of the State of New York, bearing interest at not less than four per centum per annum; provided that such stocks or bonds shall not be received at a rate above their par value. And if the market value of such stocks or bonds deposited, or offered for deposit, shall at any time be less than par, the superintendent shall require an additional deposit of such stocks or bonds to make the total deposit equal in the aggregate to the sum required by law to be deposited with the superintendent.

§ 2. This act shall take effect immediately.

CHAP. 23.

AN ACT to authorize the State comptroller to dispose of United States securities held by him for various trust funds, and to reinvest the proceeds from sales of said securities.

PASSED February 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptroller may sell bonds.

SECTION 1. The comptroller of the State of New York is hereby authorized to sell, at public or private sale, the United States registered bonds falling due in eighteen hundred and eighty-one and held by him in trust for the common school fund, the literature fund, the United States deposit fund, and the college land scrip fund, and to reinvest the proceeds of such sale or sales in securities now authorized by law for the several funds named in this section, in the proportion that each fund is entitled to, respectively, from such sale or sales.

Appropriation.

§ 2. The sum of one million five hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act.

§ 3. This act shall take effect immediately.

CHAP. 24.

AN ACT to exempt the county of Oswego, except the towns of Mexico, Richland and Sandy Creek, from the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties."

PASSED February 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Part of county exempted from chap. 180, laws of 1875.

SECTION 1. The county of Oswego, except the towns of Mexico, Richland and Sandy Creek, is hereby exempted from the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties."

§ 2. This act shall take effect immediately.

CHAP. 25.

AN ACT to divide the third and seventh wards of the city of Utica, and to create the eleventh and twelfth wards therein.

PASSED February 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the third ward of the city of Utica lying southerly of a line beginning at Genesee street and running through the center of Cornelia street to Mandeville street, thence through the center of Mandeville street to Banks street, thence through the center of Banks street to the Chenango canal, shall be and the same is hereby constituted the eleventh ward; and all that portion of the seventh ward of said city lying easterly of a line drawn through the center of West street, shall be and the same is hereby constituted the twelfth ward of said city of Utica, and shall have and be entitled to the same ward officers as the several other wards of said city are by law entitled to. Eleventh ward. Twelfth ward.

§ 2. The alderman elected in the twelfth ward hereby created, at the annual charter election in eighteen hundred and eighty, shall be elected and hold his office for one year only, but thereafter and beginning with the charter election of eighteen hundred and eighty-one, the alderman elected from said twelfth ward shall be elected and shall hold his office for two years. Terms of office of aldermen.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 26.

AN ACT to provide for the payment to the treasurer of Kings county of the amount of State and county taxes annually raised by the city of Brooklyn.

PASSED February 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller of the city of Brooklyn shall pay to the treasurer of Kings county on or before the first day of January, February, March, April, May and June of each year the pro rata share of the taxes annually raised by the city of Brooklyn for State and county purposes as now provided by law, and on or before the first day of July of each year the said comptroller of the city of Brooklyn shall pay to the said treasurer of Kings county the full amount of the balance of all taxes raised by the city of Brooklyn for State and county purposes for the current fiscal year. Nothing herein contained shall change the time for the payment of the Kings county State tax into the State treasury. Comptroller to pay county treasurer State and county tax.

§ 2. For the purpose of carrying out the provisions of this act, the comptroller of the city of Brooklyn is authorized and empowered at Certificates of indebted-

ness may be issued.

any time when the funds in his hands are not sufficient to make the final payment in July as heretofore provided, to issue certificates of indebtedness of the city of Brooklyn, in amount sufficient to meet the requirements of this act.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 27.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

PASSED February 23, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of title three of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

When neglect to make report may be excused and money apportioned.

§ 10. Whenever any school district or separate neighborhood shall have been excluded from participation in any apportionment made by the superintendent, or by the school commissioners, by reason of its having omitted to make any report required by law, or to comply with any other provision of law, or with any rule or regulation made by the superintendent under the authority of law, and it shall be shown to the superintendent that such omission was accidental or excusable, he may, upon the application of such district or neighborhood, make to it an equitable allowance; and if the apportionment was made by himself, cause it to be paid out of the contingent fund; and, if the apportionment was made by the commissioners, direct them to apportion such allowance to it, at their next annual apportionment, in addition to any apportionment to which it may then be entitled.

When money may be applied in payment of wages by teacher not qualified.

And the superintendent may, in his discretion, upon the recommendation of the school commissioner having jurisdiction over the district in default, direct that the money so equitably apportioned shall be paid in satisfaction of teachers' wages earned by a teacher not qualified in accordance with the provisions of the law as hereinafter set forth.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 28.

AN ACT to amend chapter two hundred and fifty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter twenty-two of the laws of eighteen hundred and fifty-eight, entitled 'An act to enable the electors of the town of Watervliet to vote by districts for the election of town officers.'"

PASSED February 24, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and fifty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter twenty-two of the laws of eighteen hundred and fifty-eight, entitled "An act to enable the electors of the town of Watervliet to vote by districts for the election of town officers,'" is hereby amended so as to read as follows: Section 1, chap. 259, laws of 1879, amended.

§ 1. The second section of chapter twenty-two of the laws of eighteen hundred and fifty-eight, entitled "An act to enable the electors of the town of Watervliet to vote by districts for the election of town officers," is hereby amended so as to read as follows: Section 2, chap. 22, laws of 1858, amended.

§ 2. The supervisor, assessors and town clerk of the town of Watervliet shall meet at the town clerk's office in said town on the first Monday in March, eighteen hundred and eighty, and on the first Monday in March in each year thereafter at ten o'clock in the forenoon and form themselves into a board; and in case a majority of said officers for any cause do not attend on that day it shall be the duty of those who do attend to adjourn to some future day, not exceeding five days, and shall immediately thereupon give notice in writing to those officers who do not attend of the time of such adjournment; and it shall be the duty of all said officers to attend on said adjourned day and to proceed in the same manner as though a majority had attended on the day appointed by law, and adjournments from time to time may be had by said officers as occasion may require, but no adjournment shall extend beyond fifteen days from the time of said first meeting. Said officers shall, at their meeting in the year eighteen hundred and eighty, make such alterations in the town election districts of said town as shall be necessary to cause the same to conform in number and territorial construction to the general election districts of said town as they existed immediately preceding the first Monday in October, eighteen hundred and seventy-nine, which alterations shall take effect immediately. The said officers shall, at the same meeting, make such other and further alterations in said town election districts as shall be necessary to cause the same to conform in number and territorial construction to the general election districts of said town as they then exist, which last-mentioned alterations shall not take effect until after the then next annual town election; they shall make separate certificates of such alterations under their hands, in which such districts shall be numbered and described by known boundaries, which shall be immediately filed in the office of the town clerk. Town officers to meet and form board, To alter election districts. Districts to conform to general election districts.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 29.

AN ACT giving the consent of the State of New York to the purchase of, or acquisition by the United States of, two sites for range lights in Cold Spring harbor (Queens county) Long Island, New York, and ceding jurisdiction over the same.

PASSED February 25, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consent of State to purchase of lands by U. S.

SECTION 1. The consent of the State of New York is hereby given to the acquisition by the United States by purchase, in conformity with the laws of this State, of two sites not exceeding five acres each, for the establishment of range lights for entering Cold Spring harbor, Queens county, by the authorities of the said United States, and the said United States shall hold, own and occupy said sites when thus acquired, and exercise jurisdiction and control over the same subject to the restrictions hereinafter named.

Jurisdiction ceded.

§ 2. The jurisdiction of the State of New York in and over the said sites mentioned in the foregoing section, when acquired by the United States, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own said sites.

State to retain concurrent jurisdiction.

§ 3. The said consent is given and the said jurisdiction ceded upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over the lands of said sites, so far as that all civil process in all cases and such criminal or other process as may issue under the laws or authority of the State of New York against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

When jurisdiction to vest.

§ 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land of the sites by purchase or condemnation in conformity with the laws of this State, nor until the map and description mentioned in the sixth section of this act shall have been filed and recorded as therein required, and so long as the said sites shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

Title, how acquired.

§ 5. If the United States cannot acquire title to the sites above named by purchase or shall be unable to agree with the owners thereof for the same, it shall have the right to acquire title in the manner prescribed in chapter seven hundred and twenty of the laws of eighteen hundred and sixty-seven, entitled "An act ceding jurisdiction to the United States over land to be occupied as sites for light-houses and keepers' dwellings within this State."

Map.

§ 6. A map and description by metes and bounds of the land acquired under the provisions of this act shall be filed in the office of the secretary of State, and by him recorded.

§ 7. This act shall take effect immediately.

CHAP. 30.

AN ACT to amend chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, entitled "An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy," and supplemental thereto.

PASSED February 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of title one of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, entitled "An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy," is hereby amended so as to read as follows:

§ 4. Every ward of said city containing not more than eight hundred voters shall be an election district; and every ward of said city containing more than eight hundred voters shall, on or before the first Monday of September next, and as often thereafter as may be necessary, under the provisions of this act, be divided by the common council of said city into two or more districts, in such manner as shall be entire within one ward, and shall contain, as near as may be, an equal number of voters. The division of said wards into election districts as hereinbefore provided shall be based upon the number of votes cast at the last general election preceding the said first of September aforesaid. Election districts.

§ 2. Section one of title two of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter eight hundred and thirteen of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 1. The officers of said city shall be a mayor, two aldermen for each ward, a supervisor for each ward, twelve commissioners of common schools, two justices of the Troy justices' court, a constable for each ward, all of whom shall be elected by ballot or appointed, and shall possess the powers and discharge the duties of their respective offices, as now provided by law, except as modified by the provisions of this act. There shall also be the following officers of said city, namely: A comptroller, a chamberlain, a city attorney, a city engineer, a city clerk, a health officer, two police magistrates, seven commissioners of the funded debt of said city, five water commissioners, a superintendent of the water-works, six fire commissioners, a chief engineer of the fire department, so many assistant engineers as may be required, all of which officers shall be nominated by the mayor and be confirmed by the common council, except as herein otherwise provided, excepting the water commissioners, the superintendent of the water-works, the fire commissioners, the chief assistant engineers* now provided for by law. There shall also be a superintendent of public burial grounds, a superintendent of public clocks, a sealer of Elective officers. Appointed officers. Other officers.

* So in the original.

weights and measures, a pound-keeper, a mayor's private secretary, a mayor's messenger, a clerk of the board of health, a city hall janitor and engineer, and as many commissioners of deeds as may, from time to time, be designated, not exceeding two for every one thousand of the inhabitants of said city, all of which officers shall be appointed by the mayor of said city with the advice and consent of the common council. There shall also be the following officers of said city, namely:

General assessors, etc.

Four general assessors, six commissioners of charities and four police commissioners, who shall be elected and appointed by the common council. There shall also be the following officers of said city, namely: A city superintendent, who shall be appointed by the contracting board as herein provided; three city physicians: a superintendent of the poor; and a clerk of the board of charities, who shall be appointed by the board of charities of said city; and four inspectors of election in each election district, who shall be appointed by the board of police commissioners of said city; and a chief engineer of the fire department of said city and as many assistant engineers as may be required, who shall be appointed by the fire commissioners as is now provided by law.

Local assessors.

The comptroller, the chamberlain and the city engineer, by virtue of their office, shall be assessors of said city, known as the local assessors.

Vacancies, how filled.

In case of any vacancy, either by expiration of the term of office, by death or otherwise, such vacancy shall be filled in the manner herein prescribed by the provisions of this act.

Duties.

The said officers shall possess the powers and discharge the duties of their respective offices, as now provided by law, except as modified and otherwise provided by this act.

§ 3. Section two of title two of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter eight hundred and thirteen of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Mayor

§ 2. There shall be a mayor of the city of Troy, who shall be elected at the general election held in said city, on the Tuesday succeeding the first Monday in November, eighteen hundred and eighty, and

Term of office.

every two years thereafter. The person who shall be elected mayor at the general election held in said city, on the Tuesday succeeding the first Monday in November, eighteen hundred and eighty, shall enter upon the duties of his office on the second Tuesday in March, eighteen hundred and eighty-one, and who shall hold the said office until the Tuesday succeeding the second Monday in November, eighteen hundred and eighty-two; and thereafter the term of office of the mayor of said city shall be two years, beginning on the Tuesday succeeding the second Monday in November after said general election. He shall be a citizen of the United States and an elector of the city of Troy. He

Oath.

shall take the usual oath of office, to be administered by any officer authorized to administer oaths, before entering upon the duties of

Annual message.

his office. It shall be the duty of the mayor to communicate to the common council, at least once in each year, and oftener if deemed expedient, a general statement of the condition of the city in relation to its government, finances and improvements; to recommend the adoption of all such measures as he may deem expedient for the security, health, cleanliness, improvement and welfare of the city; to be vigilant and active in causing the laws and ordinances of the city to be duly executed; and he shall be the chief executive officer of the city,

Chief executive officer.

and shall see that the duties of the various city officers are faithfully performed. He shall have power to investigate their acts, have access to all books and papers in their offices, and may examine them and

their subordinates on oath. He shall also have power to suspend any officer appointed or confirmed under the provisions of this act, for misconduct in office or neglect of duty, to be specified in the order of suspension, and he shall, within ten days, convene the common council, of which he shall be the presiding officer, and the said common council, so constituted, shall have power to hear and determine said charges, and if found to be true, to remove the said officer from his office by a vote of two-thirds of the said common council so constituted; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity to be heard in his defense. He shall, within the city, maintain peace and good order, and enforce the laws. He shall have the custody of the seal of the city, and shall authenticate the acts of the common council, and all instruments and papers authorized to be authenticated. It shall be the duty of the mayor to select suitable and proper persons to fill the offices designated to be confirmed by the common council. Any person so nominated by the mayor, to fill any of the offices named and to be confirmed by the common council under the provisions of this act, shall be deemed to be confirmed by said common council from the date of said nomination, unless within ten days after said nomination shall be sent to the common council, the said common council shall, by a vote of two-thirds of all the members elected, reject the said nomination, and so notify the mayor of such rejection. The mayor may call special meetings of the common council. Every ordinance and resolution of the common council, except resolutions making or approving appointments to office or place as herein provided, designating the official newspapers or determining the rules of its own proceedings or the qualifications of its members, shall be presented to the mayor before it shall be enforced; if he shall approve it, he shall sign it, but if he shall not approve it, he shall return it, with his objections, to the common council, which shall proceed to reconsider it. If, after such reconsideration, two-thirds of the whole number of the common council shall agree to pass the ordinance or resolution, it shall then be a binding ordinance or resolution; in such case the votes of the common council shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal. Every ordinance or resolution which the mayor shall not so return to the city clerk within ten days shall take effect as if it had been approved. All bills, resolutions or ordinances passed by the common council appropriating money, which shall receive the approval of the mayor, shall immediately be certified by him to the comptroller of the city. Whenever a vacancy shall occur in the office of mayor by death, resignation or removal from office, it shall be the duty of the common council forthwith to elect, by ballot, by a two-third vote of all the elected members of the said common council, a person qualified, as aforesaid, to serve as mayor, who shall continue in office until his successor shall have been duly elected and qualified; the said person so elected to fill said vacancy shall possess the same qualifications as are provided for mayor. The mayor, after his election and acceptance of the office as herein provided, shall receive an annual salary not exceeding one thousand dollars, to be fixed by the common council, which shall not be increased nor diminished during the time for which he shall have been elected. The mayor may be removed by the governor for malfeasance in office in the same manner as provided by law in the case of sheriffs.

May suspend officials.

To preserve the peace, etc.

To select persons to fill offices.

Ordinances to be presented to, for approval.

How passed over veto.

Vacancy, how filled.

Salary.

May be removed by governor.

§ 4. Section three of title two of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by

chapter eight hundred and thirteen of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Comptroller. § 3. There shall be appointed, as provided in this act, a comptroller, who shall hold his office for the term of three years, unless sooner removed, for cause, by the concurring votes of two-thirds of all the

Salary. elected members of the common council. He shall receive annually three thousand dollars in full for his services, payable quarterly, and such additional sum for clerk hire as the contracting board shall approve, not exceeding twenty-five hundred dollars annually, payable quarterly. The salary of the person in office as comptroller of said city, at the time of the passage of this act, shall not be diminished during his unexpired term of office, and the common council shall

Duties. provide him with proper office rooms. The comptroller shall faithfully discharge all the duties herein imposed upon him, and he shall perform such other duties as the common council may, from time to time, ordain. The comptroller shall superintend the fiscal concerns of said city, and manage the same pursuant to law and the ordinances

Accounts. of said city. He shall keep a separate account with every department for which funds are specially raised by tax, or for which funds are raised by assessment or tax, for local or other improvements. He

Warrants, what to contain. shall require all warrants or bills presented for payment to state particularly against which of said funds said bills or warrants are drawn, and he shall at no time permit any one of said specific funds or accounts to be overdrawn; neither shall he, at any time, permit moneys to be drawn from one account to pay the bills or warrants

To examine bills. chargeable to any other account. He shall, upon receiving a bill or warrant from any one of the boards or departments, or from any person authorized to make or draw the same, carefully examine the same, and, if said bill or warrant contains an item for which no funds have been specifically designated, or if the funds so designated have been exhausted, or to which, from any other cause, he cannot give his approval, he shall immediately return it to such department, board or person, and the warrant therefor shall not be paid unless by special

Bills to be presented to comptroller before audit. provision made therefor by said common council. All bills or accounts not emanating from the heads of departments shall be first presented to the comptroller, to be by him examined as to their correctness before being presented to the common council for audit. He may examine any person interested in such bill, or such other persons as he may deem necessary, under oath or affirmation, to ascertain their correct-

Commissioner of deeds. ness, and he is hereby declared to be, ex-officio, a commissioner of deeds.

To report bills. He shall report such bills or accounts to the said common council, with such facts as he may ascertain in relation thereto. When said common council shall have approved or audited any bill or account for payment, approved by the mayor, it shall be certified to the comp-

To keep account of drafts. troller. The comptroller shall keep in a book for that purpose an account of each and every draft or warrant countersigned by him, stating to what specific fund the same is chargeable, and no money for any purpose whatever shall be paid out by the chamberlain, unless the bill, draft or warrant therefor be first countersigned by the comptroller, except the interest upon the funded debts of said city. It

To extend tax levies. shall be the duty of the comptroller to extend the tax levies made by the common council pursuant to law for city purposes, upon the assessment rolls made by the general assessors, or copies thereof, including the water tax and local assessments made by the local assessors for local improvements, as provided. Said rolls when so completed, with warrants annexed, to be delivered to the chamberlain of the city of

for collection. It shall also be the duty of the comptroller, on or before the first day of April in each year hereafter, to publish in pamphlet form, verified by his oath or affirmation, a full and accurate statement of the financial condition of the said city, showing the amount of the receipts and expenditures of the city since the last annual report, the sources from which the funds have been derived, and for what purposes expended; such account to be accompanied by a statement in detail, in separate columns, showing the several funds belonging to the city, the amount drawn on each fund and its then present condition; showing also the several debts owing by the city, when the same are payable, and the rate of interest on each. It shall also be the duty of the comptroller on or before the first day of February in each year hereafter to prepare and deliver to the common council and to the officers of the different municipal departments of said city an estimate made by him of the necessary amount of money to be raised for the purpose of carrying on the city government for the ensuing fiscal year, and the means from which such expenditures are to be paid. It shall also be the duty of the said comptroller, once in each month, to examine the chamberlain's account and ascertain its correctness, and it shall be the duty of the chamberlain to aid in such examination; and the comptroller shall report as to the correctness of said account to said common council at their first regular meeting in each month, and also report at the same time the amounts that have been drawn from the several specific funds of the said city, and also from the contingent fund, and the balance due from said funds applicable to the expenses for the current fiscal year. It shall be the duty of the comptroller to appoint some suitable person, to be called chief clerk of the comptroller's department. The person so appointed shall verify and file with the city clerk an oath to faithfully discharge the duties of chief clerk of the comptroller's department, and upon the taking and filing of such oath, the person so appointed shall be authorized to discharge the following duties, namely: In case of vacancy in the office of such comptroller, so making such appointment, by death, removal, resignation or expiration of his term of office, the duties of comptroller prescribed in this act shall be discharged by such chief clerk of the comptroller's department until a new comptroller shall be appointed, and shall have qualified, but for a period not exceeding sixty days from the time when such vacancy shall have first occurred; and it is further provided, that while such chief clerk is so discharging the duties of comptroller as aforesaid, he shall possess all the powers and be subject to all the liabilities and penalties which would attach to a comptroller under this act in a like case; and it is further provided, that in the case of a vacancy in the office of comptroller otherwise than by expiration of the term of office for which such comptroller was appointed, the person appointed to the office of comptroller to fill such vacancy shall only hold his office for the unexpired term of the person holding the office of comptroller whose office has so become vacant as aforesaid. All printing and binding shall be done by contract made in pursuance of the provisions of this act; samples and specifications shall be furnished, and the contract let to the lowest responsible bidder. The common council shall, on the second Tuesday in March, eighteen hundred and eighty, and at its second regular meeting, after the general election in each year, designate not to exceed four newspapers, published in said city, and having the largest circulation within its corporate limits, and whose proprietors or firms or newspapers shall be

To publish annual financial statement.

Annual estimate.

To examine chamberlain's accounts monthly.

Chief clerk.

Duties to be discharged by chief clerk in case of vacancy.

Printing, etc., to be done by contract.

Official newspapers.

members of "the associated press of the State of New York," in which all the municipal advertisements, official notices, legal notices and the common council proceedings, including all advertisements and notices emanating from the common council or from any department of the city government, or any officer of the city, shall be published. The papers so designated shall be known as official newspapers. The oath of the publishers of said newspapers and the business records of such newspaper offices for the three months preceding such designation shall be required as confirmatory of the actual circulation of the said newspapers.

Proof of circulation.

§ 5. Section four of title two of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter fifty of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

Chamberlain to be treasurer.

§ 4. The chamberlain of the city of Troy shall be the treasurer of the said city, and shall hold office for three years unless sooner removed by the concurring votes of two-thirds of all the members of the common council, for reasons to be entered at large upon the minutes of the proceedings of the common council, or removed as otherwise provided in this act, and shall be, ex-officio, a commissioner of deeds of the city of Troy.

Office hours.

The office of the chamberlain shall be kept open in each day of the year, Sundays and holidays excepted, from the hours of ten o'clock in the forenoon to three o'clock in the afternoon.

Money to be deposited daily.

Any sum of money in the hands of the chamberlain belonging to the city, not required for immediate use, shall be deposited by him daily in one or more solvent banks of said city, at such rate of interest as shall be agreed upon, which interest shall belong to the city of Troy.

Money to be paid on warrants countersigned by comptroller.

No money shall be paid out by the chamberlain unless upon a warrant drawn by the proper officer or person upon him, and, in all cases, countersigned by the comptroller of said city, except interest upon the funded debts of said city.

Salary.

The chamberlain shall receive annually four thousand five hundred dollars in full for his services and clerk hire, payable quarterly. The salary of the person in office as chamberlain of said city at the time of the passage of this act, is not to be diminished during his unexpired term.

Official bonds.

At the commencement, and before entering upon the term of his office, the said chamberlain shall give his bond to the city of Troy, with at least two sufficient sureties (who shall justify in the aggregate to the amount of fifty thousand dollars) in the sum of fifty thousand dollars, to be approved of by the common council or a justice of the supreme court, conditioned for the faithful performance of the duties of his office as prescribed by the provisions of this act and the laws of this State, or the ordinances or resolutions of the common council, and also conditioned to pay into the city treasury all such sums of money as shall come into his hands, or any substitute appointed by him, for taxes or otherwise, including all percentages and interest thereon, or for collecting the State and county taxes, which bonds shall be renewed, with other or additional names as sureties, as often as the common council shall direct.

Renewal bonds.

Such renewal bonds shall be approved as aforesaid, and in the event of his omitting to give bonds as required by this act for five days after his appointment as chamberlain, or after the common council shall require such bond or bonds to be renewed, with other or additional names as security, and after he shall have been served with notice of such requirement the office of chamberlain may, thereupon, be declared vacant by the common council.

By whom duties to

In the event of the sickness or absence of the chamberlain, if he shall neglect

to appoint some suitable person to discharge the duties of the office, the mayor may appoint some suitable person, to be approved by the common council, to discharge the duties of such officer during such sickness or absence. The person so appointed by the mayor and approved by the common council shall give a bond, as by this act is required to be given by the chamberlain, and to be approved in the same manner. It shall be the duty of the chamberlain of said city to receive all State, county and city taxes and assessments, taxed or assessed upon real or personal property in the city of Troy, at his office and not elsewhere, upon all assessment rolls and warrants which shall be delivered to him according to law, also to collect and receive all claims due the city from any other source. The said chamberlain shall enter in suitable books, to be kept by him for that purpose, the sums received by him for taxes, designating on what account the said taxes were paid, with a statement of the district for which said taxes were received, and the names of the parties respectively on whose account the same were paid, the amount added to any items of any assessment or tax as shown upon the tax warrants, or any assessments of the local assessors, and the time when the same was paid. And it shall be the duty of the chamberlain to report to the comptroller of the city of Troy, and to the common council at the first of each and every month, the amount received by him for taxes during the preceding month, designating in said report the several items of said tax; and also, in general terms, the receipts and disbursements of his office, and for what purpose received and paid out, and, also, the fees and moneys paid over to him during the preceding month by each city officer, stating the items thereof. It shall also be the duty of the chamberlain, in each and every year, on or before the fifteenth day of September, to deliver to the comptroller a statement showing any item of any assessment of the local assessors for any local improvement in said city, remaining unpaid at the time of making such statement, with the names of the parties owing the same, as appears from such assessments in his office, with a description of the real estate upon which such unpaid assessment is a lien, so as to enable the said comptroller to extend the said unpaid assessments upon the assessment rolls, or any copies thereof, of the general assessors, and to be included by him in the city tax as hereinbefore provided. It shall be the duty of the chamberlain, from time to time, to enter into a column upon any assessment of the local assessors in his possession, or upon any tax warrant, opposite to the names of the persons mentioned therein, and who shall pay their tax or assessment as aforesaid, to the said chamberlain, the fact of such payment.

be performed in case of illness, etc.

Taxes only to be received at office of chamberlain.

Sums received to be entered.

Monthly reports.

Annual reports of unpaid assessments.

Payment to be entered.

§ 6. Section six, title two of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter eight hundred and thirteen of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 6. There shall be appointed by the contracting board a city superintendent, who shall hold his office for a term of two years, unless sooner removed for cause by the vote of a majority of the contracting board, which the said board is hereby empowered to do, and also to remove the present incumbents in the office of city engineer and city superintendent at any time for cause. The city engineer shall receive an annual salary not exceeding two thousand dollars, payable quarterly, to be fixed by the common council. The city superintendent shall receive an annual salary not exceeding fifteen hundred dollars, payable quarterly, to be fixed by the

City superintendent term of office of, etc.

City engineer.

Salaries in lieu of fees.

said contracting board. The salaries shall be in lieu of any fees, allowances for labor, assistance or clerical services.

Duty of engineer.

It shall be the duty of the city engineer to make, or cause to be made, all surveys and maps, required by the common council, or by the city attorney, or by the general assessors of the city, or by this act, and perform all other duties imposed on him by this act.

Record of surveys.

He shall keep in his office a book of record, in which he shall enter the survey of every street, highway, avenue, alley or lane, and the grade thereof, and every sewer and inlet to the same which have been or may be established by the common council, or by any boards or departments of the city having authority to establish the same, which book shall be properly indexed by the city engineer, and transmitted, with all other matters pertaining to his office, to his successors; such books and the entries therein shall be received in all courts of justice, as evidence of the facts therein contained.

Superintendence and charge of the construction of city buildings.

The city engineer shall have the charge and superintendence of the construction of, and the city superintendent shall have the charge of the labor and the repair of, all buildings, bridges, sewers, culverts, drains, wells, cisterns, streets, highways, avenues, alleys, sidewalks, roadways, docks, piers and wharves belonging to the city, including paving, grading and curbing of streets, avenues, alleys and sidewalks.

Cleaning of streets.

The cleaning and repairing of sewers and cess-pools and highways, streets and alleys, including gutters and crosswalks, shall be done only by contract, and the same shall be advertised and let as hereinafter provided; and all other work, when the cost shall exceed fifty dollars, shall be done only by contract.

Proposals to be advertised.

Proposals for doing any such work or cleaning, in whole or by section, shall be advertised by and under the direction of the contracting board created by this act, in two daily newspapers, published within the corporate limits of said city, having the largest daily circulation in said city and of opposite politics, in such manner and for such length of time as said contracting board shall direct.

Bids.

The bids shall be written and accompanied by a written guarantee, signed by a responsible person, to the effect that the bidder will enter into such contract if awarded to him; such bids and guarantees shall be inclosed in a sealed envelope and addressed to the contracting board.

Contracting board.

The contracting board of the city of Troy shall be composed of the mayor, the president of the common council, the comptroller, the city engineer and the city attorney, a majority of whom shall form a quorum. All such bids shall be opened in the presence of the contracting board, when in session, and not before. The contract or contracts shall be awarded to the lowest responsible bidder, but the contracting board, or a majority of its members, may accept or reject any of said bids, and they are authorized to contract on behalf of the city.

Comptroller to keep proceedings of contracting board.

The comptroller shall keep a book, in which he shall enter at length the proceedings of the contracting board, and shall cause the said minutes and a copy of any contract so made and executed to be transmitted to the common council without unnecessary delay, whenever requested so to do. All other work, improvements or repairs, ordered by the common council to be done or made, shall be advertised and let in the same manner, provided the contracting board shall deem it advisable so to do, and in all cases such other work shall be let by the contracting board. No contract made or entered into in violation of the provisions of this section shall be binding on the city or any officer thereof.

City engineer to purchase materials.

The city engineer shall be authorized to purchase, on the order of the contracting board, any necessary materials required to make such repairs, when the cost shall not exceed the sum of fifty dollars. The city superintendent shall

perform all the duties imposed on him by the provisions of this act, and which the common council from time to time shall lawfully require. Every refusal or willful neglect by the city engineer or by the city superintendent of any act or duty enjoined on them, or either of them, by or under the provisions of this act, shall be deemed a misdemeanor and malfeasance in office. The city engineer and the city superintendent, before entering upon the duties of their respective offices, shall each give his bond to the city of Troy, with at least two sufficient sureties; the city engineer in the sum of ten thousand dollars, and the city superintendent in the sum of five thousand dollars, to be approved of by the common council or a justice of the supreme court, or the county judge of Rensselaer county, conditioned for the faithful performance of the duties of their respective offices as prescribed by the provisions of this act, or the ordinances or resolutions of the common council, and also conditioned to account for all property and materials of every kind, including maps, books, charts, surveys and other papers coming into their possession by virtue of their office. Said sureties shall be freeholders and inhabitants of the city of Troy, and shall justify in a sum at least double the amount of the penalty of said bonds. Said city engineer and city superintendent shall also give other and additional security, whenever required by the mayor of the city or the common council, in default of which, after having been notified for ten days, their office shall be vacant. Any bond or bonds made and executed as above provided shall, if approved by the common council or the mayor, be filed with the comptroller. The said city engineer and city superintendent shall each be, ex-officio, a commissioner of deeds of the city of Troy. All bills for gas consumed by the city shall be accompanied by sworn proofs of their correctness, and it shall be the duty of the city engineer, from time to time, and at least twice a year, to examine and report to the common council and to the contracting board as to the measurement, quality and cost value of the gas consumed, as regards its illuminating power and quality, showing the actual sum of money paid therefor as compared with the actual cost thereof. The city engineer shall report in writing to the common council, whenever required prescribing the quality of gas to be used by the city for lighting the streets, as regards its illuminating power and quality. The contracting board shall annually enter into a written contract for all gas used for lighting the public streets, with proper and sufficient sureties upon the part of the persons or corporations agreeing to furnish the same, which contract shall specify the quality of gas to be furnished, in all respects equal in illuminating power and purity to that mentioned in the city engineer's report, and free from all agents injurious to health or deteriorating the quality or illuminating power within the limits prescribed by the city engineer. The city engineer shall be, ex officio, a superintendent of lamps, whose duties shall be prescribed by ordinance of the common council. The salary of the city engineer and of the city superintendent who are in office at the time of the passage of this act shall not be diminished during their unexpired terms of office.

Official bonds.

Sureties.

Gas bills.

Contract for gas.

Supt. of lamps.

§ 7. Section one of title three of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

§ 1. The legislative powers of the city shall be vested in the common council. The common council shall consist of two aldermen from each ward. At the general election held on the Tuesday succeeding

Common council.

Election of aldermen. Terms of office.

the first Monday of November next after the passage of this act, and every year thereafter, an alderman shall be elected in each of the wards of said city, who shall hold office for a term of two years, beginning on the Tuesday following the second Monday in November, except as hereinafter provided. The aldermen who shall be elected on the first Tuesday of March, eighteen hundred and eighty, shall hold their said offices until their successors are elected at the general election in November next, and are qualified according to the provisions of this act. There shall also be elected at said general election in November, eighteen hundred and eighty, an alderman in each of the wards of said city, who shall each hold his office from the second Tuesday of March, eighteen hundred and eighty-one, until the Tuesday succeeding the second Monday in November, eighteen hundred and eighty-one.

§ 8. Section two of title three of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Meetings of common council. President.

§ 2. The members of the common council shall meet in the common council chamber, in the city hall of said city, on the Tuesday succeeding the second Monday of November next, and shall then and there organize. The members of the common council shall thereupon subscribe and take the oath of office required by law, and shall elect a president from their number, and shall keep a journal of its proceedings, which shall, at all times, be open for public inspection.

§ 9. Section three of title three of chapter five hundred and ninety-eight, of the laws of eighteen hundred and seventy, as amended by chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Powers vested in common council. Ordinances.

§ 3. The common council of said city, as provided, shall be vested with all the powers, rights, privileges and immunities incident to a municipal corporation, and necessary for the proper government of the same, and those of the present corporation, of the mayor, aldermen and commonalty, of the city of Troy, and shall possess all the powers, and be subject to the provisions of that portion of the act now in force, passed April twelfth, eighteen hundred and sixteen, to incorporate the city of Troy, and of any act amendatory thereof, except as modified by the provisions of this act. It shall be the duty of the said common council to provide, by ordinance, for the establishment and regulation of all the departments as provided, and other laws in force in said city, under the proper heads, to wit: For law, finance, education, surveys, highways, streets, alleys and avenues, navigation, health, water, gas, fire, the poor, the city property and the public grounds, and such other things as may, from time to time, be needed, not contrary to the provisions of this act. Through the mayor and proper committee the said common council shall maintain a supervision of each department, whether corporate or otherwise, for the exposure and correction of all evils and abuses, and for that purpose may require the production of, and inspect all books and papers and compel the attendance of witnesses by subpœna, and examine them under oath or affirmation, but no member or members of said common council, whether a committee or otherwise, shall make any disbursements of corporate moneys, nor audit the accounts thereof, nor perform any other executive duty whatever. Any bills passed upon or reported by any committee of said common council, or either of them,

Supervision of departments. Bills to be audited

shall not be paid, unless ordered by said common council, and made out and audited as provided by law. before paid.

§ 10. Section five of title three of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows:

§ 5. The common council shall fix the compensation, except as herein otherwise provided, and prescribe the duties of all officers of said city in such manner as to carry out the purposes of this act, and as the welfare of said city may require, not inconsistent with the laws and constitution of this State and of the United States. The compensation or salary of any officer shall be fixed before his appointment, and shall not be increased or diminished during the term for which he shall hold his office, nor shall any extra compensation be made to said officer during the term for which he is appointed, for any purposes whatever. Whenever any elective officer of said city shall die, or become incapable of fulfilling the duties of his office, except where other provision is made for filling the vacancy, the said office shall be filled by the common council by a two-third vote of all its elected members, until the next general election, provided such vacancy shall exist at least sixty days before the next general election, otherwise such vacancy shall be filled at the next general election thereafter. No officer of said city shall be interested, either directly or indirectly, in any contract for work done or supplies furnished said city. Nor shall any such officer furnish said city, or any officer thereof, with any supplies or material for the use of said city, and every order or agreement, expressed or implied therefor, shall be void, and the officer offending against any of the provisions of this section shall be deemed guilty of a misdemeanor.

Common council to prescribe official duties, etc.

Increase, etc., of salaries.

Vacancies, how filled.

Officers not to be interested in contracts.

§ 11. Section six of title four of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

§ 6. The common council shall then cause a notice to be published in the official newspapers that the said report has been so completed and filed, and that application will be made on behalf of the said common council, to the supreme court at one of the special terms thereof, the time to be specified in such notice (not less than ten days from the first publication thereof), to have the said report confirmed. During the said space of ten days the said report shall remain open to the inspection, free of all expense, of all persons interested; and any person may, within that time, appeal from said report. Such appeal shall be by notice to be served on the comptroller of the city of Troy, within the period last mentioned, and at least six days before the time at which the said report is to be presented to the court for confirmation, which notice shall be accompanied with copies of the affidavits which shall have been delivered to the commissioners (if it shall be intended to use or refer to copies thereof on such appeal), and also, with a brief statement, in writing, of the grounds of objection to such report, and of the manner in which it is contended that the same ought to be altered.

Notice to be published of application to court.

Appeal.

§ 12. Section three of title five of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

§ 3. Upon the completion of the assessment rolls and warrants as aforesaid, they shall be delivered to the said chamberlain for collection, who shall proceed to collect and receive said taxes from the several

Collection of assessments.

persons named in the said assessment rolls, in the manner hereinafter mentioned. He shall, immediately after the reception of said assessment rolls and warrants, give public notice, by advertisement in the official newspapers printed in the said city of Troy, of the fact, and that all persons named therein are required to pay their taxes to him at his office on or before the fifth day of February ensuing.

Notice to taxpayers to be published.

§ 13. Section six of title five of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter sixty-seven of the laws of eighteen hundred and seventy-seven, is hereby amended so as to read as follows:

§ 6. The said chamberlain shall also, immediately after the said fifteenth day of January, give public notice in the official newspapers in the said city, to be published therein until the fifth day of February next ensuing, notifying all persons who shall have omitted to pay their taxes to pay the same at his office on or before the fifth day of February next ensuing. On the completion of the service of the notice required and of the due publication of the notice required by this section, as herein prescribed, the chamberlain shall file an affidavit or affidavits of the service of the notice required, in the office of the clerk of the county of Rensselaer and of the comptroller of the city of Troy, or that the persons therein named could not, upon diligent search and inquiry, be found in said city, and he shall also file an affidavit or affidavits of the due publication of the notice required, in the office of the clerk of the county of Rensselaer and of the comptroller of the city of Troy. Thereupon it shall be the duty of the said chamberlain, upon all taxes levied or imposed for or on account of the personal property of any person, and remaining unpaid on the sixth day of February next succeeding the completion of the said assessment rolls, to issue his warrant under his hand and directed to the sheriff of the county of Rensselaer, or any constable of the said city, not residing in the same ward, with the person against whom the warrant is issued, to be designated by the common council, commanding him to levy the amount of said taxes, and five per centum fees thereon for the said chamberlain, besides the fees of such sheriff or constable, together with any State or county tax, with the percentage thereon, on the property which the same person may own, by distress and sale of goods and chattels of such person against whom the said warrants shall be issued, or of any goods or chattels in his possession wheresoever the same shall be found within the city, and to pay the same to the chamberlain, and return such warrant within twenty days after the date thereof, and no claim of property to be made to such goods and chattels so found in the possession of the said party shall be available to prevent a sale.

Notice to delinquents.

Affidavit of service to be filed.

Tax warrant to be issued.

Fees.

§ 14. Section thirteen of title five of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

§ 13. It shall be the duty of the chamberlain, on or before the first day of May in each year, to cause to be published in the official newspapers a list or statement of the real estate on which the city taxes and assessments remain unpaid, giving a true description of the lot or lots as described in the tax rolls, with such tax and assessments carried out in separate columns, with the interest and percentage thereon, and so liable to be sold, and a notice that said real estate will, on a day at the expiration of the said six weeks, to be specified in such notice, and succeeding days, be sold at public auction, at the office of the said chamberlain, for the lowest term of years at which any per-

List of real estate taxes unpaid to be published.

Notice of sale.

son shall offer to take the same in consideration of advancing the said taxes, assessments, interest, percentage and advertising which may be due thereon at the time of sale.

§ 15. Section fifteen of title five of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter sixty-seven of the laws of eighteen hundred and seventy-seven, is hereby amended so as to read as follows:

§ 15. The purchaser or purchasers at such sale shall pay the amount of their respective bids to the chamberlain within forty-eight hours after the sale, and in case they, or either of them, neglect or refuse to pay their bids the chamberlain may, in his discretion, resell the said real estate at an adjourned sale, or execute his certificate to such persons as will take the same and pay the sum bid, or may maintain an action against the purchaser for the sum bid and interest thereon at ten per centum. After such payment shall have been made the said chamberlain shall deliver to the purchaser or purchasers of any such real estate a certificate in writing, duly signed by him, describing the real estate purchased, the sum paid and the time for which the purchaser will be entitled to a deed, and that such deed shall vest in the grantee an absolute estate for the term of years mentioned therein, subject to the lien of any assessment for any improvements made in the city of Troy, and to all claims which the people of the State may have thereon for other taxes or liens or incumbrances, and the chamberlain shall retain duplicates of all certificates of the sale of real estate issued by him. The chamberlain shall, at least six months before the expiration of the two years allowed for the redemption of the real estate so sold by him as aforesaid, prepare a notice specifying particularly every parcel of real estate so sold by him as aforesaid and remaining unredeemed, and the amount necessary to redeem the same, calculated to the last day on which such redemption can be made, and stating that unless such real estate is redeemed by a certain day such real estate will be conveyed to the purchaser thereof. The said chamberlain shall cause such notice to be published once in each week for at least six weeks successively in the official newspapers. Such publication for six weeks is to be in the body of the said newspaper and not in a supplement, and is to be completed at least eighteen weeks before the expiration of the two years allowed for the redemption, and the expense thereof is to be paid primarily by the city of Troy. Interest shall be charged from the time of the sale of the said real estate to the day of the redemption thereof at the rate of ten per centum per annum upon the sum at which such real estate was purchased at the sale aforesaid; and such interest at such rate, together with the cost of the publication provided for by this section, shall be added to and form a part of the amount necessary to redeem the said real estate remaining unredeemed as aforesaid. The comptroller of the city of Troy, in default of bidders at any such tax sale as aforesaid, may purchase the real estate so sold by the chamberlain for the benefit of the said city of Troy.

Payments, when to be made.

Certificate of sale.

Notice to redeem.

Notice to be published.

Interest.

Comptroller to purchase for city.

§ 16. Section one of chapter one hundred and fifty-one of the laws of eighteen hundred and thirty-eight is hereby amended so as to read as follows:

§ 1. The annual election hereafter to be held in the several wards of the city of Troy for the election of charter officers of said city shall be held on the Tuesday succeeding the first Monday of November in every year instead of the first Tuesday in March, as provided by the first section of chapter one hundred and fifty-one of the laws of eigh-

Annual election.

teen hundred and thirty-eight, except the charter election to be held in said city on the first Tuesday in March, eighteen hundred and eighty. All officers of said city who may be elected at said charter election in March, eighteen hundred and eighty, shall hold their respective offices until the Tuesday succeeding the second Monday in November, eighteen hundred and eighty, at which time their said terms of office shall expire, except the general assessor elected at such last-mentioned election, whose term of office shall expire on the first Tuesday in January, eighteen hundred and eighty-one.

Officials terms, when to expire.

§ 17. Section ten of title six of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy is hereby repealed.

§ 18. Section twelve of title six of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

Officers, when to be appointed.

§ 12. All officers who are to be appointed by common council under this act shall be appointed at the first regular meeting of the common council after the general election held in the city of Troy in November in each year, except such officers whose appointment is herein otherwise provided for by this act. All officers elected or appointed, who are required to give security, shall do so within the time designated, and when the time is not designated, they shall be required to give the said security within ten days after their election or appointment.

When to give bonds.

Com'rs. of charities.

§ 19. The common council of said city shall, at its first regular meeting, not less than ten days after the passage of this act, elect and appoint six persons as commissioners of charities; two to hold office for one year, two to hold office for two years, and two to hold office for three years, who shall constitute a board to be styled the board of charities of the city of Troy. In voting for the said two persons to be elected and appointed commissioners for a term of one year, no member of the said common council shall vote for more than one of the said persons, and the two persons receiving the highest number of the said votes of all the elected members of said common council shall thereupon be immediately declared elected and appointed the said two commissioners of charities, who shall hold office for a term of one year. The said common council shall immediately thereafter proceed to vote for two commissioners of charities whose term of office shall be two years. In voting for the said two persons to be elected and appointed commissioners for a term of two years, no member of the said common council shall vote for more than one of the said persons, and the two persons receiving the highest number of the said votes of all the elected members of said common council shall thereupon be immediately declared elected and appointed the said two commissioners of charities, who shall hold office for a term of two years. The said common council shall immediately thereafter proceed to vote for two commissioners of charities, whose term of office shall be three years. In voting for the said two persons to be elected and appointed commissioners for a term of three years, no member of the common council shall vote for more than one of the said persons, and the two persons receiving the highest number of the said votes of all the elected members of said common council shall thereupon be immediately declared elected and appointed the said commissioners of charities, who shall hold office for a term of three years. If the said meeting of the common council shall be adjourned without the said six commissioners being elected, the said common council shall proceed at its next meeting with the said election, and the said common council shall not

Members of common council only to vote for one person.

transact any other business until the said six commissioners have been elected.

§ 20. In case of a vacancy in the said board from any cause except expiration of term of office, the said common council shall, by a two-third vote of all the elected members of the said common council, elect a person a commissioner of charities from the same political party as that of the commissioner of charities whose unexpired term he shall be elected to fill. Vacancies, how filled.

§ 21. The persons elected and appointed commissioners of charities for one, two and three years, respectively, shall continue in office until their successors are elected or appointed as herein provided, and have taken the oath of office; and thereafter the term of office of the commissioners of charities shall be three years. Terms of office.

§ 22. The common council shall, annually, after the election and appointment of the said six commissioners of charities, in the year eighteen hundred and eighty, elect and appoint, in the manner herein provided, two persons as commissioners of charities for the term of three years, to supply the places of those whose term of office is about to expire. The six persons first elected and appointed commissioners of the board of charities shall, within ten days after their election and appointment, take the constitutional oath of office and file the same with the clerk of said city, and shall organize as the board of charities of the city of Troy, and thereupon they shall become vested with all the powers and duties of said board of charities as hereinafter prescribed. Common council to elect com'rs annually.

§ 23. No person shall be eligible to election or appointment as such commissioner who is not an elector, residing in the said city, and whenever any such commissioner of charities shall cease to be a resident of said city, his office as a commissioner shall thereupon become vacant. Only electors to be eligible.

§ 24. The said commissioners of charities shall not be directly or indirectly interested in any contract or purchase of any provisions, articles or fuel for the temporary relief of the poor of said city. Not to be interested in contracts.

§ 25. A majority of said commissioners shall form a quorum for the transaction of business. The said commissioners shall designate the time and place of their meetings, and shall adopt uniform rules and regulations for the proper administration of the powers conferred upon them by this act, which shall be observed by all the employees of the said board of charities in the discharge of the duties imposed upon them by this act. Quorum. Meetings.

§ 26. The said commissioners shall appoint, by a resolution to be entered upon their minutes, an officer, to be denominated the superintendent of the poor of the city of Troy, who shall execute to the mayor, aldermen and commonalty of the city of Troy, a bond with two or more sufficient sureties to be approved by the commissioners of charities, in the penal sum of five thousand dollars, conditioned that the said superintendent shall faithfully and honestly discharge the duties of his office. The said superintendent shall receive an annual salary not exceeding fifteen hundred dollars, to be fixed by the said board of charities, payable quarterly by the chamberlain of said city. The commissioners of charities may also appoint, by a resolution entered upon their minutes, a clerk to assist the said superintendent in the discharge of his duties, who shall receive an annual salary not exceeding eight hundred dollars, to be fixed by the board of charities, payable quarterly by the chamberlain of said city. The said clerk shall execute to the mayor, aldermen and commonalty of the city of Troy, a Com'rs to appoint superintendent of the poor. Salary of. Clerk of.

bond with two or more sureties, to be approved by the commissioners of charities, in the penal sum of two thousand dollars, conditioned that the said clerk shall faithfully and honestly discharge the duties of his office.

Rooms for.

§ 27. The said commissioners of charities shall be provided by the common council of said city with a suitable building or rooms for the storage of such provisions and articles obtained by the said board of charities, for the temporary relief of the poor of said city, and such offices and waiting rooms, books and furniture necessary for the proper discharge of the duties conferred upon the said commissioners by the provisions of this act.

Temporary relief.

§ 28. The said commissioners shall direct the contracting board of said city, whenever they deem it necessary, to supply with temporary relief the poor of said city, certain provisions, articles and fuel, to contract for and purchase the same in such quantities as shall be designated by said board of charities to be delivered at certain times, at the store-rooms of said board of charities, or in the case of fuel, at the houses of said poor. The said orders to the contracting board shall be in writing, and shall be signed by the superintendent of the poor of said city and countersigned by the president of the board of charities.

Temporary relief.

§ 29. Before extending temporary relief to any person in said city desiring the same, one or more commissioners, or the superintendent, shall visit the residence of the said person making the request, and shall inquire and examine into his or her circumstances, the number and ages of the members of the said person's family, the place of his or her former residence, his or her employment, for what length of time and to what extent the said person has been dependent on the public for support, his or her ability to labor, and the cause of his or her poverty, which information shall be recorded in a book kept for such purpose, and which shall always be open to the inspection of those who desire to examine the same. It shall also be the duty of the said commissioners to obtain monthly from all the religious denominations in said city the names of all the poor persons receiving aid and alms from the charitable organizations connected with the said churches, and to enter the same opposite the information obtained regarding the person applying for help through the visitation of the commissioners and the superintendent.

Monthly report from religious societies of poor persons relieved.

Rules to govern in case of furnishing temporary relief.

§ 30. In furnishing temporary relief to persons applying for the same to the board of charities of the city of Troy, the commissioners and superintendent shall be governed by the following rules:

1. They shall not extend any help (except in adjudged extreme cases) to any person, without having an intelligent understanding of the circumstances of the person or family at the time relief is asked.

2. They shall not give any aid to persons who can get along without it.

3. That every person who is blind, lame, old, sick or decrepit, or in any other way disabled, or enfeebled, so as to be unable by his or her work to maintain himself or herself, shall be sent to the house of industry, where the said person or persons shall be maintained at the expense of the county, as provided by the poor laws of the State.

Provisions, etc., only to be furnished.

§ 31. The said commissioners shall only furnish such provisions and articles as are necessary for the temporary relief of the poor of said city. No order shall be given to any poor person applying for temporary relief upon any dealer or storekeeper. The provisions and articles furnished the said poor shall be dispensed by the superintend-

Written order.

ent on a written order, designating the quantity and kind, signed by the president of the board of charities. All other orders for the temporary relief of the poor of said city shall be signed in like manner, which the superintendent shall file* according to its directions, and shall transmit to the said person desiring relief the article or articles ordered to be given. The person receiving the said article or articles shall sign his or her name to the said order, upon the delivery of the said article or articles to him or her by the superintendent.

Supt. to render monthly account.

§ 32. It shall be the duty of the superintendent at the end of each month to render an account to the board of charities of the quantity and kind of articles received by him during the month through the contracts made by the contracting board, the quantity and kind of articles dispensed to the poor of said city during the month, and the quantity and kind of articles remaining at the end of the month in the store-rooms of the board of charities. The original orders given by the president of the board, with the said president's signature thereon, and also with the name of the person receiving the articles so ordered, shall also accompany said monthly account of the superintendent of the poor. A copy of this exhibit with all the orders given by the board of charities, verified by the superintendent, and signed by all the commissioners of charities, shall be sent monthly to the comptroller of said city, to be entered upon the books of his department as required by law.

Original orders to accompany report.

Annual report.

§ 33. It shall be the duty of said board of charities annually to transmit to the common council of said city an annual report of its receipts and expenditures and such information in its possession, in regard to the giving of temporary relief to the poor of said city, as the said commissioners may deem important.

§ 34. The expenditures made by the board of charities of the city of Troy for the relief of the poor of said city, in pursuance of this act, shall be audited by the comptroller of said city, and ordered to be paid by the chamberlain of said city.

Poor expenses.

§ 35. The common council shall, and may, in each and every year, cause a sum sufficient to pay the expenses of providing the poor of said city with temporary relief by the board of charities of the city of Troy, to be raised, levied and collected by tax, which sum shall be raised, apportioned, levied and assessed upon the real and personal property liable to taxation in the city of Troy.

Office of overseer abolished.

§ 36. After the passage of this act, and the organization of the board of charities of the city of Troy, as hereinbefore provided, all the powers and duties of the present overseer of the poor of said city shall cease, and the office of the said overseer of the poor of said city shall be abolished.

General assessors.

§ 37. The common council shall elect and appoint, at its second regular meeting, after the general election in November, eighteen hundred and eighty, two general assessors for the said city, who shall hold their office for a term of two years from the first Tuesday in January succeeding their election and appointment, who, together with the two general assessors, then in office, shall constitute the board of general assessors of the city of Troy.

How voted for.

§ 38. In voting for the said two general assessors, as provided in the preceding section, no member of the said common council shall vote for more than one of the said general assessors, and the two persons receiving the highest number of the said votes of all the elected

* So in original.

members of said common council shall thereupon be immediately declared elected and appointed the two general assessors for the said city, who shall hold office for a term of two years. If the said meeting of the common council should be adjourned without the said two general assessors being elected, the said common council shall proceed, at its next meeting, with the said election, and the said common council shall not transact any other business, except to elect and appoint the commissioners of the board of charities hereinbefore provided, until the said two general assessors have been elected.

Appointment of.

§ 39. The common council, at its first regular meeting in March, eighteen hundred and eighty-one, shall elect and appoint two general assessors in the same manner as provided in the last sections whose terms of office shall be as follows: The term of office of the first one elected or appointed shall commence when he shall have taken the oath of office required by law, and shall continue until the first Tuesday in January, eighteen hundred and eighty-four. The term of office of the other general assessor whose election or appointment is provided for by this section, shall commence on the Tuesday succeeding the second Monday of March, eighteen hundred and eighty-two, and shall expire on the first Tuesday in January, eighteen hundred and eighty-four.

Election of.

§ 40. The common council shall elect and appoint in the manner hereinbefore provided, at its second regular meeting after the general election in November, eighteen hundred and eighty-two, and each year thereafter, two general assessors for the said city, who shall hold their office for a term of two years from the first Tuesday in January succeeding their election and appointment.

Vacancies in office of.

§ 41. In case of a vacancy from any cause except expiration of term of office, the said common council shall, by a two-third vote of all the elected members of said common council, elect and appoint a person a general assessor from the same political party as that of the general assessor whose unexpired term he shall be elected to fill.

Offices abolished.

§ 42. The offices of high constable, superintendent of public markets, assistant to the city superintendent and fence viewers are hereby abolished.

Salaries payable quarterly.

§ 43. The officers herein designated shall receive annual salaries, payable quarterly, not exceeding the following sums, to be fixed by a two-third vote of all the elected members of the common council of said city: The city clerk, an annual salary not exceeding six hundred dollars; the superintendent of public clocks, an annual salary not exceeding two hundred and fifty dollars; the sealer of weights and measures, an annual salary not exceeding one hundred dollars; the general assessors, each, an annual salary not exceeding eight hundred dollars; the health officer, an annual salary not exceeding eight hundred dollars; the clerk of the board of health, an annual salary not exceeding one hundred dollars; the city physicians, each, an annual salary not exceeding two hundred and fifty dollars; the mayor's private secretary, an annual salary not exceeding eight hundred dollars; the mayor's messenger, an annual salary not exceeding three hundred dollars, the two common council messengers, each, an annual salary not exceeding fifty dollars; the city hall janitor and engineer, an annual salary not exceeding one thousand dollars. The president of the common council, as a member of the contracting board, an annual salary, to be fixed by the said board, not exceeding eight hundred dollars.

§ 44. The person who shall fill the office of city hall janitor and engineer shall, after the passage of this act, be appointed by the contracting board of said city. The cleaning of the city hall shall be annually contracted for by the contracting board of said city. City hall janitor.

§ 45. No other officers of said city shall be nominated or appointed by the mayor or elected by the common council, except those that are herein provided for by law, and all officers nominated, elected or appointed by the mayor or common council, or by any department of said city, shall be residents of said city, and a removal from the city of any such elected or appointed officer shall create a vacancy in the office which he was elected or appointed to fill. And no office which has been abolished by the acts hereby amended shall be revived by this act. Officers limited.

§ 46. All acts and parts of acts inconsistent with or repugnant to this act are hereby repealed.

§ 47. This act shall take effect immediately.

CHAP. 31.

AN ACT in relation to the public buildings and grounds belonging to Erie county and the city of Buffalo.

PASSED February 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superior court of Buffalo at a general term thereof, by an order to be entered in its minutes, is hereby authorized, and it shall be its duty, to appoint six freeholders, citizens of Erie county, trustees of the city and county hall for the use of the city of Buffalo and county of Erie, four from said city and two from the towns of said county, for the term of two, four and six years respectively from the time of their appointment, and the said court shall every two years thereafter in like manner at a general term, select and appoint two trustees who shall continue for the term of six years, in place of those whose terms shall expire, and shall, in like manner, fill any vacancy for the unexpired term of any trustee occasioned by death, resignation or otherwise for such unexpired term, but no person holding an office in said city or county, whose duties, in whole or in part, shall be performed in said city and county hall shall be eligible to such appointment, and the acceptance thereof shall vacate such office. Superior court to appoint trustees of city hall. Terms of office. Vacancies, how filled.

§ 2. The said trustees, before entering upon their duties, shall take and file in the office of the clerk of said county the oath of office prescribed by the twelfth article of the constitution. They shall elect one of their number as chairman, who shall preside at their meetings and perform such other duties as they shall assign him. They shall have the general care and management of the said city and county hall, and of the grounds selected for the site thereof, and shall make such rules and regulations as shall be necessary for that purpose. Official oath. Chairman. General duties.

§ 3. It shall be the duty of said trustees to determine and designate by a certificate in writing, signed by them, what parts of said hall shall be assigned for the use of courts of record, whose terms are holden in said city, and the judges and officers thereof, and for the Assignment of rooms to courts, etc.

law library of the eighth judicial district, and what parts thereof shall be assigned to the use of the county of Erie and city of Buffalo, respectively. The execution of such certificate shall be acknowledged or proved as deeds of real estate are required to be to entitle the same to be recorded, and shall be recorded in the office of the clerk of said county, and the said trustees shall not permit said hall, or any part thereof, to be used for any purpose other than that of the public officers and courts, for whose use the same shall have been designated under the provisions of this act.

Certificate to be recorded.

Expenses to be borne equally by city and county.

§ 4. All expenses incurred for the alteration, repairing, warming, lighting, cleaning, protection and care of said hall, and for the improvement, care and protection of the grounds for the site thereof, shall be borne equally by the city of Buffalo and the county of Erie, and all appropriations therefor shall be paid to said trustees and be disbursed by them for such purposes. They shall have power to employ a janitor, engineer, watchman and such other servants and workmen as shall be required and discharge the same at pleasure; to make such repairs thereon and refurnish the same as shall, from time to time, be proper, and to defray all incidental expenses for the care and management thereof; to make such ordinances and regulations for the protection and care of said hall and grounds, and the prohibition of nuisances in said building and upon said grounds as are not inconsistent with the laws of this State, and cause the same to be posted in said hall and upon said grounds, and they may prescribe a penalty, not exceeding ten dollars, for any violation thereof, in addition to the damages incurred by said act, and may summarily enforce the same before any court having jurisdiction of offenses for the violation of ordinances of the city of Buffalo in the same manner and to the same extent as such ordinances are enforced, or they may maintain an action therefor as such trustees. They shall yearly ascertain the amount required for the purposes aforesaid, and certify the same to the board of supervisors of said county, and to the common council of said city. They shall yearly make to the board of supervisors of said county, and to the common council of said city, a detailed report of the money disbursed by them during the year preceding. And it shall be the duty of the board of supervisors of said county, and the common council of said city, to provide in equal proportions the amount of money required for the purposes aforesaid, and place the same in the treasury of said city and county, respectively, subject to the order of the said trustees for such purpose. But the said trustees shall receive no compensation for their services, but may reimburse themselves for the necessary expenses actually incurred in the discharge of their duties.

Janitor, etc.

Ordinances.

Annual report.

Trustees not to be paid for services.

§ 5. The said trustees shall have power to settle, adjust and pay all claims against the said city and county, or against the said county, which may have been incurred by the commissioners under the act entitled "An act in relation to the location and erection of public buildings for the use of Erie county and the city of Buffalo," and of the several acts amending the same, and to collect and enforce all claims in favor of said city and county, or in favor of said county, growing out of the action of said commissioners, and in the name of said city and county, or of said county, as the case may require, prosecute and defend any and all actions now pending or which may hereafter be commenced therefor, and for such purposes may apply any money heretofore appropriated by said city and county, or by said county, in case said city shall not be interested therein, which has been heretofore appropriated for the erection of said public buildings in the said

To adjust claims against city and county.

act mentioned, and which shall remain unexpended in the treasury of said city or county, and the treasurers thereof, respectively, shall pay the same upon the order of the said trustees for the purpose aforesaid, and take their receipt therefor. The said trustees shall be authorized to receive the books, papers and vouchers of the said commissioners under the act aforesaid, and shall deposit the same in a place, to be by them designated, in the office of the county clerk of said county, for preservation; they shall also be authorized to receive from said commissioners any moneys remaining in their hands unexpended, and apply the same under the provisions of this act, as shall be just.

§ 6. The said trustees shall keep a full record of their proceedings, and exact and particular accounts of all their receipts and disbursements, which records and accounts shall, at all times, be open for inspection by the chairman of the board of supervisors of said county, by the mayor of said city, and of any committee appointed by the board of supervisors of said county, or of the common council of said city, and no expenditure shall be incurred or payment made by them unless approved by at least four of said trustees; and they or any of them shall be liable to be removed by the general term of the superior court of Buffalo, for cause, upon charges preferred against them, and opportunity to be heard in defense thereto. Record of proceedings to be kept.

§ 7. This act shall take effect immediately.

CHAP. 32.

AN ACT to amend chapter one hundred and twenty-six of the laws of eighteen hundred and seventy-three, entitled "An act to organize a board of school commissioners in and for the city of Troy," and the several acts amendatory thereof.

PASSED February 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and twenty-six of the laws of eighteen hundred and seventy-three, entitled "An act to organize a board of school commissioners in and for the city of Troy," and the several acts amendatory thereof, is hereby amended so as to read as follows:

§ 3. At the general election held in the city of Troy on the Tuesday succeeding the first Monday in November, eighteen hundred and eighty, and at each succeeding general election held in November every year thereafter in said city, there shall be elected four school commissioners. All qualified voters at such election shall be entitled to vote for two persons for the office of school commissioner, each of whom shall be an elector and a resident of the city of Troy. The ballot shall contain, written or printed, the names of the persons voted for, and shall be so folded as to conceal its contents, and shall be indorsed "city." The ballots, on being received by the inspectors, shall be deposited by them in the box provided for the reception of said ballots. The election shall be conducted in all other respects in accordance with the provisions of the several existing laws relating to School comrs. to be elected. Ballot. Election, how to

be conducted. the election of civil officers by the people, so far as the same may be applicable thereto; and any person who may offer to vote at the election of the officers, provided to be chosen by this act, may be challenged as to his qualifications as an elector as in other cases, and shall be subject to the like penalties for false swearing and improper voting as are now provided by the laws relating to elections for like officers. The

Certificate of result. several boards of inspectors of elections, after canvassing and estimating the number of votes received by them for each candidate for said office, shall certify the result to the common council of the city, who shall, at the time they take action upon the returns of said inspectors of election relative to the other officers chosen at said election, determine the final result; and the four persons who shall appear from the returns made by such inspectors to have received the greatest number of votes for the office of school commissioner shall be declared by that body to be duly elected, and shall each hold office for the term of three years, and until their successors are elected and qualified. If, however,

What deemed failure to elect. upon the examination of said returns it be found and determined by the common council that no four of the persons voted for for the said office have received the greatest number of votes, by reason of two or more of the candidates receiving an equal number of votes, then it shall be deemed a failure to elect any one of those receiving said equal number of votes, and the said board of school commissioners shall have the power, and it shall be their duty, to elect such persons in the same manner as they are hereinafter empowered to fill vacancies arising in the board from any cause hereinafter mentioned. The four

Terms of office. school commissioners who shall be elected on the first Tuesday of March, eighteen hundred and eighty, shall hold their offices until the Tuesday succeeding the first Monday in November, eighteen hundred and eighty-two. At the general election held in said city on the Tuesday succeeding the first Monday in November, eighteen hundred and eighty, there shall be elected, in the manner herein prescribed, four school commissioners, whose term of office shall commence on the first Tuesday in March, eighteen hundred and eighty-one, and expire on the Tuesday succeeding the first Monday in November, eighteen hundred and eighty-three. At the general election, held in said city in November, eighteen hundred and eighty-one, there shall, in like manner, be elected four school commissioners, whose term of office shall commence on the first Tuesday in March, eighteen hundred and eighty-two, and expire on the Tuesday succeeding the first Monday in November, eighteen hundred and eighty-four. The school commissioners thereafter elected in said city as hereinbefore provided, shall be elected for the term of three years.

§ 2. Section four of chapter one hundred and twenty-six of the laws of eighteen hundred and seventy-three is hereby amended so as to read as follows:

Annual meeting. § 4. The members of said board shall hold their annual meeting on the third Wednesday of November, eighteen hundred and eighty-two, and annually thereafter, at seven and one-half o'clock on the evening of that day, or as soon thereafter as may be, in such suitable room in the city hall in said city of Troy as shall be provided by the common council, and there organize their body, and the meetings of said board shall be held thereafter in the room so provided by the common council; and it shall be the duty of the said common council to provide the necessary rooms for the transaction of the business of the board of school commissioners of said city, in the city hall of said city.

President. They shall appoint, by ballot, one of their number president, who shall

exercise all the powers usually incident to such office; they shall also appoint a suitable person, other than a member of their body, superintendent of schools for the city of Troy, who shall exercise such powers and shall discharge such duties as the board shall at any time direct, and shall be allowed such compensation for his services as the said board may determine at the time of his election. The board shall also, at the same meeting, elect a suitable person as clerk of the board, who shall hold his office at the pleasure of the board, and who shall keep a record of the proceedings of the board, and such record and all the books, accounts, vouchers and papers of said board shall, at all times, be subject to the inspection of the common council and of any committee thereof. The clerk shall also perform such other duties as the board may at any time prescribe, and receive such salary as they may determine at the time of his election. Clerk.

§ 3. Section eighteen of chapter one hundred and twenty-six of the laws of eighteen hundred and seventy-three is hereby amended so as to read as follows: Salary.

§ 18. It shall be the duty of said board of school commissioners, at least fifteen days before the annual general election in said city of Troy, to prepare and report to the common council true and correct statements of the receipts and disbursements of moneys, under and in pursuance of the provisions of this act, during the next preceding year, in which accounts shall be stated under appropriate heads. Annual report.

§ 4. Sub-section five of section eighteen of chapter one hundred and twenty-six of the laws of eighteen hundred and seventy-three is hereby amended so as to read as follows:

5. The manner in which such sums of money shall have been expended, specifying the amount under each head of expenditure. And the common council shall, within ten days before the general election, cause the same to be once published in the official newspapers in said city. Amount expended to be published.

§ 5. All acts and parts of acts inconsistent with or repugnant to this act are hereby repealed.

§ 6. This act shall take effect immediately.

CHAP. 33.

AN ACT making appropriation for continuing work upon the new capitol during the winter and spring of the year eighteen hundred and eighty.

PASSED February 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of surplus balances now in the treasury of the State, not otherwise appropriated, toward the completion of the Senate chamber of the new capitol building as nearly as practicable, to be expended during the winter and spring of the year eighteen hundred and eighty; which amount shall be paid by the treasurer, upon the warrant of the comptroller, to the order of the new capitol commissioners as they shall require the same. Appropriation.

Comrs. to complete senate chamber.

§ 2. The new capitol commissioners are hereby directed to take such measures as shall insure the completion and furnishing of that portion of the new capitol building, containing the executive chamber and the senate chamber, for occupation on the first day of January, eighteen hundred and eighty-one.

§ 3. This act shall take effect immediately.

CHAP. 34.

AN ACT to authorize the common council of the city of Poughkeepsie to construct a building for recorder's court room, police head-quarters, lock-up and city offices, and to provide means for the payment therefor.

PASSED February 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Recorder's court room to be built.

SECTION 1. The common council of the city of Poughkeepsie are hereby authorized and empowered to construct, or cause to be constructed, a suitable building for the purposes of recorder's court room, police head-quarters, lock-up and city offices, to be located on the open square in the rear of the city hall, fronting on Union street, in said city.

Tax limited to $6,000.

§ 2. The said common council are hereby authorized and empowered to make provision for the payment of the expense of constructing said building by causing to be levied and collected upon the real and personal property within said city, subject to taxation, such sum as may be necessary for that purpose, not exceeding six thousand dollars, in the same manner as said common council are now authorized by the amended charter of said city to levy and collect taxes for city purposes.

Money may be borrowed.

The said common council may borrow, if they deem it necessary to do so, the amount herein authorized to be expended in anticipation of the collection of said tax, and the amount so borrowed shall be expended only upon the construction of said building, and shall be repaid within one year from the proceeds of the tax.

§ 3. This act shall take effect immediately.

CHAP. 35.

AN ACT to authorize the Attica Water Company to purchase, hold, operate and maintain the gas-works, pipes, fixtures, machinery and real estate used in connection therewith, now in the village of Attica, Wyoming county, New York.

PASSED February 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Purchase of gas-

SECTION 1. It shall be lawful for the Attica Water Company to purchase, hold, operate and maintain the gas-works, pipes, fixtures,

machinery and real estate used in connection therewith, now in the village of Attica, Wyoming county, New York, and to extend and enlarge the same, within the bounds of said village, as shall be approved and determined upon by a majority of the trustees or directors of said water company, but subject to the provisions of the following sections of this act. works, etc., authorized.

§ 2. No expenditures shall be made or liabilities incurred under the provisions of section one of this act, which, together with the expenditures made and liabilities incurred by the Attica Water Company, as such, shall exceed the capital stock of such company. Expenditures limited.

§ 3. Nothing in this act shall be construed as empowering the Attica Water Company to take, or hold, any greater quantity or value of real estate than shall be required for the proper management and conduct of such gas and water-works. Limitation.

§ 4. Upon the purchase being made, according to the foregoing provisions of this act, the corporate powers of the Attica Water Company shall be, and they are hereby, enlarged so as to embrace the objects and purposes of this act. Corporate powers enlarged.

§ 5. This act shall take effect immediately.

CHAP. 36.

AN ACT to amend the law of evidence and practice on civil and criminal trials.

PASSED February 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Comparison of a disputed writing, with any writing proved to the satisfaction of the court to be genuine, shall be permitted to be made by witnesses in all trials and proceedings, and such writings and the evidence of witnesses respecting the same may be submitted to the court and jury as evidence of the genuineness, or otherwise, of the writing in dispute. Comparisons permitted.

§ 2. This act shall take effect immediately.

CHAP. 37.

AN ACT to amend chapter one hundred and twenty-seven of the laws of eighteen hundred and sixty, entitled "An act to organize a fire department in the village of Delhi, Delaware county.

PASSED March 1, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter one hundred and twenty-seven of the laws of eighteen hundred and sixty is hereby amended, by adding thereto a section, to be numbered section fifteen, which section shall read as follows:

Exemption from taxation.

§ 15. The members of the fire department organized under the provisions of this act may be exempted from taxation to the amount of five hundred dollars on assessments for village purposes and from highway poll tax, in addition to the exemptions now enumerated by law; provided that at any general election or at any special election called for that purpose, a majority of the legal voters of said village of Delhi shall vote in favor thereof; and at any such election, the vote shall be by ballot, and the ballot shall be indorsed "for" or "against exemption from taxation of the members of the fire department." Such election shall be held in the same manner and by the same officers as general elections in said village are held.

Proviso.

Ballot.

§ 2. This act shall take effect immediately.

CHAP. 38.

AN ACT to legalize the official acts and proceedings of Richmond S. Hayes, a justice of the peace of the town of East Bloomfield, in the county of Ontario.

PASSED March 1, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official acts legalized.

SECTION 1. All the official acts and proceedings of Richmond S. Hayes, as a justice of the peace, in and for the town of East Bloomfield, in the county of Ontario, since the first day of January, eighteen hundred and eighty, are hereby made legal and valid, as they would have been had he executed and filed his official bond within the time required by law.

§ 2. Nothing herein contained shall affect the right of any party to any suit or proceedings commenced prior to the passage of this act.

§ 3. This act shall take effect immediately.

CHAP. 39.

AN ACT to extend the time for the collection of county taxes in the city of Auburn.

PASSED March 3, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Constables to surrender tax levies.

SECTION 1. The constables of the city of Auburn, to whom the city treasurer of said city has issued warrants for the collection of unpaid county taxes for the year eighteen hundred and seventy-nine, are hereby authorized to surrender their levies, made pursuant to the direction contained in and by virtue of said warrants, within five days after the passage of this act, to the city treasurer aforesaid, with an account of the unpaid county taxes which they have failed to or been unable to collect.

Time for collection

§ 2. The time for the collection of county taxes now levied and uncollected in the city of Auburn is hereby extended to the first day of

May next; provided the city treasurer of said city shall pay over the money already collected by him; shall make his return to the county treasurer of the county of Cayuga, as now required by law, of all unpaid taxes on lands of non-residents, and renew his bond to the satisfaction of such county treasurer, and in such case the warrants issued by the board of supervisors of such county, and delivered to said city treasurer, shall continue in full force and effect until the first day of May next. But nothing in this act contained shall be construed as extending the time in which the county treasurer of Cayuga county is required by law to pay the State tax to the State treasurer. Of taxes extended.

§ 3. In case any of said county taxes shall remain unpaid on the seventeenth day of March next, the said city treasurer is hereby authorized to issue new warrants immediately thereafter, returnable on the first day of May next; which new warrants shall be, in substance and effect, and like proceedings had and taken thereunder, as is provided by the charter of said city of Auburn for the collection of county taxes. New warrants, when to issue.

§ 4. This act shall take effect immediately.

CHAP. 40.

AN ACT to legalize the acts of certain town officers of the town of New Rochelle, and to authorize the issue of bonds by said town.

PASSED March 3, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The settlement heretofore made by the town board of the town of New Rochelle, county of Westchester, and State of New York, consisting of the supervisor, justices of the peace and town clerk thereof, with Conrad Roth, Alpheus S. Boyd, William H. Le Count and Edward M. Tompkins, as bondsmen of George B. Ackerman, late supervisor of said town, and the release given by Henry D. Phelps, as supervisor of the town of New Rochelle, to said bondsmen, discharging them from all liability as such, are hereby affirmed and legalized. Settlement legalized.

§ 2. The supervisor of the said town of New Rochelle is hereby authorized and empowered to borrow upon the credit of said town the sum of five thousand dollars, to pay the deficiency caused by the defalcation of George B. Ackerman, late supervisor of said town, and to secure the sum so borrowed and the interest thereon, the supervisor is hereby authorized and empowered to issue coupon bonds in the manner and to the amount hereinafter provided. Supervisor authorized to borrow money and issue bonds.

§ 3. The said bonds shall be signed by the supervisor and town clerk of said town, and issued in amounts not less than two hundred and fifty dollars, and not more than one thousand dollars each; the sum of one thousand dollars thereof shall become due and be paid each year, and the amount so becoming due and payable in any one year shall not exceed the sum of one thousand dollars principal, together with the interest on the whole amount due; a record of all such bonds so issued shall be kept by the town clerk of said town in a book to be kept for that purpose, showing the number, date and amount of each bond, when the same is due and payable, the amount of principal and Bonds, how to be issued, etc.

interest paid and remaining unpaid, and all particulars in relation to the issue, sale and redemption thereof.

Interest. § 4. Said bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and shall be sold for not less than their par value, and the premium, if any, which may be received therefor shall be applied in payment of the interest first becoming due thereon, and the amount of such premium shall be deducted from the sum authorized to be levied and collected as provided in the sixth section of this act.

Supervisor to make report. § 5. The supervisor of said town shall, at the time of making his annual accounting as provided by law with the justices of the peace and town clerk of said town, make a full and true report to said justices of the peace and town clerk of all bonds so issued and outstanding and unpaid; the number, date and amount thereof, and the amount of interest paid during the year, for all of which payments of bonds and interest the proper vouchers shall be presented with said report, and the report shall be entered in full by the town clerk in the book to be kept by him for that purpose as aforesaid.

Tax to pay interest and principal falling due. § 6. During each and every year while any of said bonds remain unpaid there shall be levied and collected, according to law, from the taxable property and inhabitants of the said town, over and above the expenses of collecting, at the same time and in the same manner in which the taxes of said town for other town purposes shall be levied and collected, such sums as will be sufficient to pay the amount of interest due or becoming due in any one year on said bonds, together with an amount not exceeding one thousand dollars in any one year, to pay the principal of such bonds as may become due and payable during the year; the amount to be levied and collected as provided in this section shall be in addition to the other sums authorized and required by law to be annually levied and collected from the taxable property and inhabitants of said town.

Acts of receiver of taxes legalized. § 7. The acts of Walter F. Davids, as receiver of taxes of the town of New Rochelle, in paying moneys to George B. Ackerman, late supervisor thereof, under and in pursuance of a warrant issued by the board of supervisors of Westchester county, which warrant bears date the thirteenth day of January, eighteen hundred and seventy-nine, are hereby legalized.

Acts of supervisor legalized. § 8. The acts of Henry D. Phelps, as supervisor of the town of New Rochelle, in paying to the highway commissioners of said town the sum of eight hundred dollars, highway moneys, in eighteen hundred and seventy-nine, are hereby legalized.

Act, how to be construed. § 9. Nothing herein contained shall be construed as relieving the said George B. Ackerman from the payment of any moneys received by him as supervisor of said town of New Rochelle, and he shall be as liable therefor, and the same shall be as collectible* from him, as though this act had not been passed.

§ 10. This act shall take effect immediately.

* So in the original.

CHAP. 41.

AN ACT to amend section ten of title eight of chapter seventy-seven of the laws of eighteen hundred and seventy, entitled "An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April twelfth, eighteen hundred and forty-two, and the several acts amendatory thereof; and also to repeal the act to establish a capital police district and to provide for the government thereof, passed April twenty-second, eighteen hundred and sixty-five, and the several acts amendatory thereof, in so far as they relate to the city of Albany."

PASSED March 3, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of title eight of chapter seventy-seven of the laws of 1870, entitled "An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, and also to repeal the act to establish a capital police district and to provide for the government thereof, passed April 22, 1865, and the several acts amendatory thereof, in so far as they relate to the city of Albany," is hereby amended so as to read as follows:

§ 10. Whenever any work shall be done or materials furnished pursuant to section thirteen, title six of this act, in addition to the power granted by this act to advertise and sell the lot or lots, franchise or franchises, the city of Albany may maintain an action at law against the owner or owners of any lot or lots, franchise or franchises, for the recovery of any assessment or apportionment remaining unpaid, made upon or against any such lot or lots, dock or docks, franchise or franchises; provided, however, that no such action at law shall be had or maintained against any such owner of any lot, dock or franchise for the recovery of any such assessment or apportionment remaining unpaid, unless such owner was a petitioner to the common council of the city for the performance of such work, or the making of such improvement.

City may maintain action for assessment.

§ 2. This act shall take effect immediately.

CHAP. 42.

AN ACT to amend chapter five hundred and ninety of the laws of eighteen hundred and seventy-two, entitled "An act to regulate processions and parades in the cities of the State of New York."

PASSED March 3, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter five hundred and ninety of the laws of eighteen hundred and seventy-two, entitled "An act to regulate processions and parades in the cities of the State of New York," is hereby amended so as to read as follows:

Parades on Sunday prohibited.

§ 3. All processions and parades on Sunday, in any street or public

place of any city, excepting only funeral processions engaged in the actual burial of the dead, and processions to and from any place of worship in connection with a religious service there celebrated, are forbidden; and in no such excepted case shall there be any music, fire-works, discharge of cannon or fire-arms, or other disturbing noise; provided that in any military or Grand Army of the Republic funeral music may be played while escorting the body to and from such place, but such music shall not be played within one block of any place of worship, where worship is being celebrated.

Proviso.

§ 2. This act shall take effect immediately.

CHAP. 43.

AN ACT to amend chapter five hundred and ninety of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the Porous Plaster Company of the city of New York."

PASSED March 3, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter five hundred and ninety of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the Porous Plaster Company of the city of New York," is hereby amended so as to read as follows:

Corporators. Corporate name. Business.

§ 1. Jeremiah S. Baker, James T. Blandford, George A. Brandreth, Franklin Brandreth, William Brandreth, Henry D. Brandreth and Thomas Allcock are hereby constituted a body corporate by the name of the Porous Plaster Company of the village of Sing Sing, for the purpose of manufacturing porous plasters, after the form of Day & Shecut's patent, and other medicines, external and internal, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued; and they and their successors may have and use a common seal, and the same also change at pleasure; and they and their successors shall be capable of taking, receiving, purchasing and holding real and personal estate, and of mortgaging, selling and disposing of the same as they may deem necessary for the interest and objects of the incorporation, provided that the said real and personal estate shall not exceed in the aggregate the sum of seven hundred and fifty thousand dollars.

Trustees.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. Jeremiah S. Baker, James T. Blandford, George A. Brandreth, Franklin Brandreth, William Brandreth, Henry D. Brandreth and Thomas Allcock are hereby appointed trustees of said corporation, with power to fill vacancies, and a majority of the whole number shall be necessary to constitute a quorum for the transaction of business.

§ 3. Section three of said act is hereby amended so as to read as follows:

Trustees to make by-laws, etc.

§ 3. It shall be lawful for the trustees, in furtherance of the design of their incorporation, to make such by-laws as may be deemed necessary for the government of its affairs, and to alter and amend the same at pleasure. They may also prescribe rules and regulations for the division of its property into capital shares, and for the sale and transfer thereof, as they may deem necessary. Any increase or decrease of

the capital stock of said company shall be made under and in pursuance of the provisions of chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," and of the several acts amendatory thereof and supplementary thereto.

§ 4. Section five of said act is hereby amended so as to read as follows:

§ 5. The individual stockholders of said corporation shall each be personally liable for the indebtedness of said corporation to the amount of the stock held by each respectively. But no action shall lie against any such individual stockholder, in favor of any creditor of said corporation, until an execution issued upon a judgment obtained against said corporation shall have been returned unsatisfied in whole or in part. Liability of stockholders.

§ 5. This act shall take effect immediately.

CHAP. 44.

AN ACT to amend chapter four hundred and forty-nine of the laws of eighteen hundred and fifty-three, entitled "An act to amend the act incorporating the village of Attica, passed May second, eighteen hundred and thirty-seven, to alter the bounds and to enlarge the powers of the corporation of said village."

PASSED March 3, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title three of chapter four hundred and forty-nine of the laws of eighteen hundred and fifty-three, entitled "An act to amend the act incorporating the village of Attica, passed May second, eighteen hundred and thirty-seven, to alter the bounds and to enlarge the powers of the corporation of said village," is hereby amended so as to read as follows:

§ 1. The officers of the village shall be five trustees; one of whom shall be president of the board of trustees, one treasurer, one clerk, one police constable, who shall also be collector of taxes and assessments, and three assessors; all of whom shall be elected by ballot by the electors of said village, and hold their offices, respectively, for one year, and until their successors shall be duly qualified, except that the board of trustees elected at the annual election in the year eighteen hundred and eighty shall be made up of three classes; one of whom shall constitute the first class and hold office for one year and until the first annual election thereafter; two of the remainder of whom shall constitute the second class and hold office for two years and until the second annual election thereafter; and the remaining two of whom shall constitute the third class and hold office for three years and until the third annual election thereafter. At the first meeting of said board, so elected at the annual election in the year eighteen hundred and eighty, said trustees shall decide and determine by lot who of said trustees shall constitute said several classes respectively, and at each annual election thereafter there shall be selected a trustee in the place

Officers. How elected. Terms of office. To be classified.

of every trustee whose term of office as such trustee shall expire on such last-named annual election, who shall hold office for the term of three years and until the third annual election thereafter.

§ 2. Section three of same title is hereby amended so as to read as follows:

Qualification of electors.

§ 3. Every inhabitant actually residing in said village and who shall have been such actual resident of such village for thirty days next prior to the time of offering his vote, and who shall, at the time of offering his vote, be qualified to vote for member of assembly, shall be qualified to vote for all officers to be elected by virtue of this act.

§ 3. Section six of said title is hereby amended so as to read as follows:

Vacancies how filled.

§ 6. If any vacancy shall happen in any elective office, the board of trustees may appoint an elector of the village to fill the vacancy, and the person so appointed shall hold the office till the next annual election and the election and qualification of a successor, and if such vacancy occur in the office of trustee, the same shall be further filled by election at said next annual election, and any person elected to fill such vacancy shall hold the office of trustee until the end of the term in which such vacancy occurs.

§ 4. Section three of title six of said chapter four hundred and forty-nine is hereby amended so as to read as follows:

Powers and duties of trustees.

§ 3. The said trustees shall have power to make, maintain, keep in repair and, from time to time, cleanse all necessary drains, ditches and sewers within said village, and defray the expenses thereof out of the highway taxes, or any other moneys not raised for any other special purpose. They shall also have jurisdiction and control over all the drains, ditches and sewers within said village, whether in or upon the streets and alleys thereof or elsewhere, and may, in their discretion, cause the same or any of them, or any part thereof, to be kept in repair and, from time to time, cleansed, and the expense thereof paid out of the highway taxes, or said other moneys belonging to said village. They may also, in their discretion, require the owners or occupants of any lands or lots wherever any such drain, ditch or sewer shall be situated, from time to time, to repair and cleanse the same upon their respective premises, as shall be directed by the trustees, and in default thereof, said trustees may cause it to be done, and assess and collect the expense thereof, in the same manner as is provided in respect to assessments for the construction and repair of sidewalks, or they may cause the same to be collected by suit in the name of the corporation of said village.

§ 5. Title seven of said chapter four hundred and forty-nine is hereby amended by adding thereto an additional section to be numbered thirteen, as follows:

May contract for water for extinguishment of fires.

§ 13. The board of trustees shall also have power, and is hereby authorized, to contract with any water company for supplying the village with water for the purpose of extinguishing fires, and to assess and collect the amount agreed to be paid in such contract as other village taxes are assessed and collected, and any such contract entered into by the trustees of said village shall be valid and binding upon said village; provided, however, that no such contract shall be made for a longer period than five years, nor for a sum exceeding in the aggregate fifty cents per capita per annum of the population of said village.

CHAP. 45.

AN ACT to amend section seven of chapter five hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act in relation to the custody and disposition of the moneys arising from the sale of the plain or common lands of the town of Hempstead, Queens county, New York."

PASSED March 3, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter five hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act in relation to the custody and disposition of the moneys arising from the sale of the plain or common lands of the town of Hempstead, Queens county, New York," is hereby amended so as to read as follows:

§ 7. The said treasurer shall invest all moneys received by him, belonging to said town, in United States stocks, stocks of the State of New York, and Queens county bonds, or on bond and mortgage upon unincumbered real estate of twice the value of the amount loaned in the counties of Queens, Kings and New York; and all moneys belonging to the said fund which are now invested in bonds secured by mortgage, shall, as the principal of said bonds shall hereafter become due, if, in his judgment, the interest of the town shall so require, be invested by the said treasurer in United States stocks, New York State stocks, or Queens county bonds, or on bond and mortgage upon unincumbered real estate of twice the value of the amount loaned, in the counties of Queens, Kings and New York, and the principal sum shall remain a permanent fund forever; and all uninvested or surplus moneys remaining in the hands of said treasurer, or subject to his order, shall be deposited in one or more of the trust companies of the city of New York. Moneys, how to be invested.

§ 2. This act shall take effect immediately.

CHAP. 46.

AN ACT authorizing the board of supervisors of the county of Kings to purchase land for the purposes of the national guard.

PASSED March 3, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Kings are hereby authorized to raise by tax, or by the issue of certificates of indebtedness, a sum not to exceed fifty-seven thousand four hundred dollars, for the purpose of purchasing land in said county, upon which the State is to erect an armory, pursuant to the provisions of chapter two hundred and seventy-two of the laws of eighteen hundred and seventy-nine, such land to be purchased in conformity with the terms and conditions named in a resolution adopted by said board of super- Board of supervisors may raise $57,400 to purchase site for armory.

visors, November twentieth, eighteen hundred and seventy-nine. The payment of said certificates of indebtedness shall be provided for in three annual installments in the three annual tax levies of said county next succeeding, and interest thereon shall not exceed five per centum per annum.

When armories to be disposed of.

§ 2. Upon the erection, by the State, of the armory, as provided in chapter two hundred and seventy-two of the laws of eighteen hundred and seventy-nine, and its occupation in pursuance of the provisions of said law, the board of supervisors of the county of Kings are authorized to dispose of the armories now occupied by the thirty-second and forty-seventh regiments of the national guard. The proceeds of the sale of said armories shall be used for the purpose of redeeming the certificates of indebtedness authorized to be issued in the first section of this act; or if said certificates shall have been redeemed, then the amount derived from the sale of said armories shall be credited to the general fund of the said county of Kings, and shall be deducted from the annual tax levy next succeeding.

Proceeds of sale, how to be applied.

Sale, how to be made.

§ 3. In case of the sale of the armories aforesaid, such sale shall be by public auction, under the direction of the county treasurer, and upon such terms and conditions as shall be designated by the board of supervisors of Kings county.

§ 4. This act shall take effect immediately.

CHAP. 47.

AN ACT to amend chapter fifty of the laws of eighteen hundred and twenty-four, entitled "An act relating to hackney coaches and carriages in the city of New York."

PASSED March 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter fifty of the laws of eighteen hundred and twenty-four, entitled "An act relating to hackney coaches and carriages in the city of New York," is hereby amended so as to read as follows:

Owners of hackney coaches, etc., to pay annually sum fixed by common council.

§ 1. That the owner of every hackney coach or carriage, or hackney coaches or carriages, in the city of New York, who shall obtain such license as is mentioned in the two hundred and seventy-second section of the act entitled "An act to reduce several laws relating particularly to the city of New York into one act," passed April ninth, eighteen hundred and thirteen, shall pay therefor, annually, to the mayor, aldermen and commonalty of said city, a sum to be determined by the said common council.

§ 2. This act shall take effect immediately.

CHAP. 48.

AN ACT to authorize the common council of the city of Ogdensburg to raise money for the purpose of finishing and furnishing additional school rooms of said city.

PASSED March 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Ogdensburg shall cause to be raised by taxation upon the taxable property in said city, in the year eighteen hundred and eighty, a sum not exceeding three thousand dollars, for the purpose of finishing and furnishing additional school rooms for the common schools in said city. Tax for finishing and furnishing school rooms.

§ 2. The money when so raised shall be placed by the treasurer of said city to the credit of the board of education of said city, and shall, by said board, be expended for the purposes mentioned in the first section of this act. Money to be credited to board of education.

§ 3. This act shall take effect immediately.

CHAP. 49.

AN ACT to amend chapter six hundred and fifteen of the laws of eighteen hundred and sixty-eight, and amended by chapter thirty-seven of the laws of eighteen hundred and seventy-three, entitled "An act conferring additional corporate powers upon the village of Ellenville."

PASSED March 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter six hundred and fifteen of the laws of eighteen hundred and sixty-eight, and amended by chapter thirty-seven of the laws of eighteen hundred and seventy-three, entitled "An act conferring additional corporate powers upon the village of Ellenville," is hereby amended so as to read as follows:

§ 4. The treasurer, assessors and street commissioner shall be annually elected by ballot; the trustees and police justice shall be elected as hereinafter provided; and all other officers shall be appointed by the trustees. Officers, how elected, etc.

§ 2. Section five of said act is hereby amended so as to read as follows:

§ 5. The present trustees of said village shall hold their offices until the expiration of their respective terms, and at each annual election hereafter, two trustees shall be elected to hold their office for three years; and any person elected to fill a vacancy in the office of trustee shall hold his office only for the unexpired term of the person whose vacancy he is elected to fill. No trustee shall act as street commissioner, or receive compensation for services rendered in that capacity; and every officer appointed in said village (except an officer appointed Terms of office. Trustee not to act as street comr., etc.

to fill a vacancy in an elective office) shall hold his office during the pleasure of the trustees.

§ 3. Section eleven of said act is hereby amended so as to read as follows:

Official bonds.

§ 11. The treasurer and police constable shall each respectively and severally, before they enter upon the duties of their respective offices, execute a bond to "the trustees of the village of Ellenville," their successors in office, in such sum and with such sureties as the trustees shall approve, conditioned that he will faithfully execute the duties of his office, and honestly and faithfully account for and pay over all moneys received by him by virtue of his office, which bond, with the approval of the trustees thereon, certified by the clerk, shall be filed in the office of the clerk of said village.

§ 4. Section twenty of the said act is hereby amended so as to read as follows:

President to prepare financial statement, etc

§ 20. It shall be the duty of the president, at least two weeks before the annual election in each year, to prepare a statement showing the financial condition of the corporation at the date of such report, specifying the balance in the village treasury on the day of the next preceding report, all moneys received since the said last-mentioned day, and when and from what source or on what account in particular such moneys were so received; the several payments out of the village treasury during the year or period of time last mentioned, and when, to whom and for what purpose or on what account in particular the same were made; the balance in the village treasury at the date of said report; the outstanding warrants, if any, drawn on the treasury during the year preceding and including the said last-mentioned day; the outstanding debts and liabilities of the corporation at the date of such report, specifying the particular amount of each and every such debt which is certain, and the estimated amount of each and every such liability, and when and to whom, and for what purpose or on what account, the same respectively were incurred or contracted, when payable, and if with interest, the rate of the same, and, also, specifying any means of the corporation, from uncollected taxes or otherwise, applicable when received to the discharge of any such indebtedness or liability; and for the purpose of preparing the statement the president may require from any officer of the village any information or assistance he may deem necessary; when such statement shall be thus prepared the same shall be submitted to the board of trustees and shall be published at least once in one or more of the newspapers printed in said village before the annual election next thereafter.

§ 5. Section twenty-four of the said act is hereby amended so as to read as follows:

§ 24. The office of collector in said village is hereby abolished.

§ 6. Section thirty-one of the said act is hereby amended so as to read as follows:

Duty of assessors.

Tax warrant.

§ 31. It shall be the duty of the assessors upon the final completion of the assessment roll to deliver the same, with a true copy thereof, to the clerk of the village. It shall be the duty of the trustees, or a majority of them, forthwith to sign and attach to such roll a warrant to the treasurer of the said village, commanding him to receive, levy and collect from the several persons, companies, corporations and associations named in the tax roll, the several sums mentioned in the last column of such roll opposite to their respective names, and in case any tax levied or assessed for the property of any person or corporation shall remain unpaid at the expiration of the thirty days in the next

Treasurers to issue tax warrant.

section mentioned, to issue to the police constable of said village a warrant, signed by the said treasurer, commanding the said police constable to levy and collect by distress and sale the tax so assessed with the fees; and the clerk shall immediately deliver the said roll, with the said warrant so signed attached, to the treasurer of the said village.

§ 7. Section thirty-two of the said act is hereby amended so as to read as follows:

§ 32. Upon receiving the said tax roll and warrant the treasurer shall forthwith give notice in the papers published in said village, and, also, post notices in at least twenty public places in said village, that the same has been left with him for collection, and that for ten days every person, corporation or association may pay his, her or their tax to the said treasurer without any additional charge; for thirty days thereafter one per centum fees will be charged and collected; and that at the expiration of the said thirty days he will issue a warrant for the collection of the same. If any tax shall remain uncollected at the expiration of the time last mentioned, it shall be the duty of the treasurer to proceed, without delay, to make a list of all such unpaid taxes, which shall be a transcript of the assessment or tax roll as to said unpaid taxes, and shall attach thereto his warrant under his hand and the seal of the said village, to the police constable of said village, commanding said police constable to levy the tax and his fees, by distress and sale of the goods and chattels of the person or persons upon whose real and personal property the tax was apportioned. Such police constable shall, immediately after receiving such list and warrant, proceed to collect such unpaid taxes in the manner provided by law for collecting town and county taxes, and shall have and possess the power and authority conferred by law on collectors of town and county taxes, and shall in like manner pay over all moneys collected by him to the village treasurer, and return such warrant within thirty days from the date thereof. Upon all taxes collected by him, the said police constable shall be entitled to collect and receive, in addition to the tax, five per centum for his fees thereon. The treasurer, if authorized by the trustees of the said village, may, from time to time, renew such warrant or warrants for such period or periods as the trustees may, from time to time, direct; every such renewal shall keep any such warrant in full force or virtue for the period for which it shall be renewed. If any of the taxes levied and assessed shall remain uncollected and unpaid after the expiration of said thirty days, or after the expiration of said renewal or renewals, the police constable shall make return to the treasurer of the village of the amount collected by him, and shall deliver to the said treasurer an account of the taxes so remaining unpaid, and upon making oath that the sums mentioned in such account remain unpaid and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to, or in the possession of, the person charged with or liable to pay such sum, whereon he could levy the same, he shall be credited by the said treasurer with the amount thereof.

Notice to tax payers.

Per centage.

Treasurer's tax warrant, what to contain.

Duty of police constable.

Fees.

Renewal of warrants.

Constable to return uncollected taxes.

§ 8. This act shall take effect immediately.

CHAP. 50.

AN ACT to amend chapter eight hundred and fifty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,' passed May tenth, eighteen hundred and seventy-one."

PASSED March 4, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter eight hundred and fifty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,'" passed May tenth, eighteen hundred and seventy-one," is hereby amended so as to read as follows:

Time for completion of bridge extended.

§ 2. The time limited in the first section of said act for the commencement of said bridge is hereby extended to January first, eighteen hundred and seventy-four, and the time limited therein for the completion of said bridge and opening the same for use is hereby extended to January first, eighteen hundred and eighty-three.

CHAP. 51.

AN ACT for the improvement of the Hudson river, and to make an appropriation therefor.

PASSED March 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated for the purpose of removing obstructions in, and improving the navigation of the Hudson river, at and between the city of Troy and the town of Coxsackie, by deepening and widening the navigable channel of said river so as to secure, between the State dam and the railroad bridge at Troy, a channel sixty feet wide, with a depth of five feet of water at low tide, and from thence to the lower bridge at Albany, a channel one hundred and twenty-five feet wide, with a depth of eight feet of water at low tide, and from thence to the town of Coxsackie, a channel one hundred and fifty feet wide, with a depth of ten feet of water at low tide. Of which sum, not exceeding two thousand dollars, in the discretion of the State engineer and surveyor, may be expended in removing obstructions in the west channel of the river in the town of Coxsackie.

§ 2. The work shall be done under the direction of the State engineer and surveyor, and all payments therefor shall be made only upon the sworn statements or estimates of engineers, based upon actual measurements of the work done, and the expense of engineering and mapping necessary for the work, unless otherwise provided for, shall be paid out of this appropriation. State engineer to have charge of work.

§ 3. The treasurer shall pay to the parties entitled to receive the same, upon the warrants of the comptroller, all drafts of the State engineer and surveyor (when accompanied by the sworn statements of engineers' estimates to be filed therewith), drawn upon said appropriation, and not exceeding, in the aggregate, the sum hereby appropriated. Payments to be made on warrant of comptroller.

§ 4. This act shall take effect immediately.

CHAP. 52.

AN ACT to perfect title to lands in "The Trustees of the village of Skaneateles," for cemetery purposes.

PASSED March 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The respective trustees of "The Evergreen Cemetery Association of Skaneateles," and "The Lake View Cemetery Association of Skaneateles," are hereby authorized and empowered to convey to any person or persons all the interests which said respective associations may have in the lands owned by them respectively, upon condition that the purchaser or purchasers thereof shall, within one month after the receipt of a deed thereof, convey the lands so purchased, whether of one or both of said associations, to "The Trustees of the village of Skaneateles," for cemetery purposes for said village. Trustees may convey interest of association.

§ 2. The said "The Trustees of the village of Skaneateles" are hereby authorized and empowered to accept a conveyance of said lands, of either or both of said associations, from any person or persons purchasing the same, in pursuance of the first section of this act, for the use of said village for cemetery purposes, in all respects as if the same had been purchased by said village, as provided by chapter two hundred and nine of the laws of eighteen hundred and forty-seven, and the acts amending the same, and the said "The Trustees of the village of Skaneateles" are hereby authorized and empowered to hold the said lands, with all the powers and privileges thereover conferred upon villages purchasing lands under said act, and the acts amending the same, but subject to all the restrictions contained in said act, and the acts supplementary thereto and amendatory thereof. Trustees of village may accept conveyance. May hold lands.

§ 3. This act shall take effect immediately.

CHAP. 53.

AN ACT authorizing the trustees of the "Pine Ridge Cemetery Association of Sennett" to grant and convey to the city of Auburn certain lands for a public cemetery.

PASSED March 10, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees, or a majority of the trustees, of the "Pine Ridge Cemetery Association of Sennett," may grant and convey to the city of Auburn, for a public cemetery, all the lands now owned by said association in the town of Sennett, and commonly known as the Pine Ridge Cemetery.

§ 2. This act shall take effect immediately.

CHAP. 54.

AN ACT to amend the Code of Civil Procedure.

PASSED March 10, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and fifty-one of the Code of Civil Procedure is hereby amended so as to read as follows:

Justices of the supreme court may appoint stenographer for general term, etc. Salary. Fees for copy of minutes to be paid by parties.

§ 251. The justices of the supreme court for the first judicial district, or a majority of them, must appoint, and may at pleasure remove, a stenographer for each term of the circuit court, for the general term of the supreme court, and for each special term of the supreme court where issues of fact are triable which constitutes a separate part. Each stenographer so appointed is entitled to a salary, fixed and to be paid as prescribed by law. He must attend all the sittings of the part for which he is appointed. If any judge requires a copy of any proceedings written out at length from the stenographic notes, he may make an order directing one-half of the stenographer's fees therefor to be paid by each of the parties to the action or special proceeding, at the rate of ten cents for each folio so written out, and may enforce payment thereof. If there are two or more parties on the same side, the order may direct either of them to pay the sum payable by their side for the stenographer's fees, or it may apportion the payment thereof among them as the judge deems just.

§ 2. This act shall take effect immediately.

CHAP. 55.

AN ACT to amend section three of chapter one hundred and ten of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to chapter sixty of the laws of eighteen hundred and thirteen," entitled 'An act to provide for the incorporation of religious societies,' and of the several acts amendatory thereof.' "

PASSED March 10, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and ten of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to chapter sixty of the laws of eighteen hundred and thirteen," entitled 'An act to provide for the incorporation of religious societies,' and of the several acts amendatory thereof,'" is hereby amended so as to read as follows:

§ 3. Whenever any church, parish or religious society, in connection with any such governing body, shall become extinct, or shall cease to maintain religious services therein for two consecutive years, by reason of the death or removal of its members, or for any other cause, it shall be lawful for the trustees elected by such governing body, as aforesaid, to take possession of the temporalities belonging to such extinct church or society, and manage or dispose of the same, and apply the proceeds thereof to any of the objects mentioned in the second section of this act. The governing body to which the church or society belongs shall determine when any church or society has become extinct, or has ceased to maintain religious services for two consecutive years, provided that no church or society having more than thirteen resident members shall be declared extinct, unless it has failed for two consecutive years to maintain religious service therein.

Trustees elected by governing body may take property of extinct society.

Governing body may determine when society becomes extinct.

§ 2. This act shall take effect immediately.

CHAP. 56.

AN ACT to promote honest elections.

PASSED March 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person shall be eligible to the office of inspector of election or clerk of the poll, or be qualified to act as such, unless he can read and write the English language.

Only persons who can read and write eligible to office of inspector and clerk.

§ 2. It shall be a misdemeanor for any person not possessing such qualifications to act as an inspector of election or clerk of the poll.

§ 3. The election at every poll shall be public to the watchers hereinafter provided for, from its commencement to the close of the canvass and signing of the proper returns and copies thereof.

Election to be public.

§ 4. Every political organization which shall present a candidate or candidates for the suffrages of the voters of any election district, shall

Watchers at polls.

have the right to appoint, not to exceed, two electors as watchers at the poll of such election district for every election. Such appointment may be evidenced by a written or printed appointment, signed by the president or the chairman and the secretary of such political organization, but no ward or town organization shall be entitled to watchers at any poll outside the limit of such ward or town.

Rights of. § 5. Said watchers and each of them shall be entitled to be present at such election in the room occupied by the inspectors of election, commencing at least fifteen minutes before any ballot-box shall be opened, until the close of the canvass, and the signing of the proper returns of such election.

Ballot boxes to be examined. § 6. At every election immediately before any ballots are received by the inspectors of election, or any of them, said inspectors shall unlock every ballot-box used, or to be used, at such election, and permit each watcher present to examine said ballot-box, and every part and portion thereof, until he is satisfied as to the structure thereof, and that there is, at the commencement of receiving ballots, no ballots therein.

Further rights of watchers at polls. § 7. Every watcher shall have the right, from the time of so inspecting said ballot-box or boxes, at any and all times until the canvass of the ballots and signing of the proper returns and copies thereof, to be present in the room occupied by said inspectors, in a position and place where he may fully, conveniently and comfortably watch the reception and deposit of every ballot cast at such election, and the full and final canvass of the ballots, and signing of the proper returns and copies thereof; and no ballot-box or ballot cast, except it be in the ballot-box, shall be removed from the constant sight and inspection of such watchers, until the canvass is closed and the proper returns and copies thereof made and completed.

Boxes, how to be placed. § 8. Every ballot-box shall be so placed, at a window or elsewhere, that the voter depositing any ballot and each watcher may conveniently see every ballot received by the inspectors and deposited in the ballot-box.

§ 9. No screen or other obstruction to such view of any ballot-box by the voter or any watcher shall be allowed.

Watchers may examine ballots. § 10. If requested by any watcher or any elector present at any canvass, it shall be the duty of the inspectors of election, and each of them, to exhibit any and all ballots cast at such election to such watcher or elector fully opened, and in such a condition and manner that he may fully and carefully read and examine the same, though said inspector shall not allow any such ballot to be taken from his hand.

Returns, how to be made. § 11. Every return or statement of the result of the canvass of any election shall be made upon a single sheet of paper, or if not, each half-sheet shall be signed at the end thereof by the inspectors.

Size of room. § 12. The room used for the reception of ballots shall be of a reasonable size, so as to admit at all times at least twelve electors, including the watchers, exclusive of the inspectors of election and clerks of the poll.

Challenging, etc. § 13. Any watcher or other elector may challenge the right of any person offering to vote at any election, and the name of the person so challenging shall not be disclosed by any inspector of election or clerk of the poll, unless required so to do by a court of justice or magistrate in some legal proceeding.

Duplicate return to be filed. § 14. The inspectors of election of each election district shall, within twenty-four hours after the completion of the canvass, in addition to the making and filing of the returns and statements thereof now di-

rected and required by law, cause a duplicate of such return or statement to be filed in the office of the clerk of the county. One of their number may be deputed by them to, and may file the same, and he shall be paid for so doing, except in cities and towns where the county clerk's office is situated, the sum of five dollars, and also four cents a mile for each mile actually and necessarily traveled by the usual route in going to and returning from the said county clerk's office, to be audited, allowed and paid in the same manner as for other services of said inspectors.

Returns to be public records.

§ 15. The returns or statements of election on file in county, town and city clerk's offices shall be public records and open to inspection and examination by any elector of the State.

Inspectors not to peddle tickets.

§ 16. No inspector of election or clerk of the poll, who shall act as such during any portion of any election, shall peddle, distribute or give tickets to electors, during any part of the day of such election.

No liquors, etc., to be allowed in room.

§ 17. No lager beer, ale, wine or spirituous liquors shall be allowed on any election day in any room used for election purposes.

Felony to make false canvass, etc.

§ 18. Every inspector of election or clerk of the poll who shall intentionally make, or attempt to make, any false canvass of the ballots cast at an election, or shall intentionally make, or attempt to make, any false statement of the result of any canvass, though not signed by a majority of the inspectors of election, shall be guilty of a felony, and be punished by imprisonment in the county jail or a penitentiary, not exceeding one year, or in the State prison, not exceeding five years.

Inducing inspector to do act forbidden a felony.

§ 19. Any person who shall induce, or attempt to induce, any inspector of election, or clerk of the poll to do any act forbidden by the last section shall be guilty of a felony, and be punished in the same manner and to the same extent.

A misdemeanor to intentionally neglect to do any act required.

§ 20. Every inspector of election, or clerk of the poll, who shall intentionally omit, neglect or refuse to do any act required by this act, and every inspector of election, clerk of the poll, policeman, member of any police force or other person who shall intentionally refuse to permit the doing of any act hereby allowed to be done by any watcher or elector, or shall intentionally prevent, or attempt to prevent, the doing thereof, or shall intentionally do any act forbidden by this act, except in sections eighteen and nineteen thereof, shall be guilty of a misdemeanor, and be punished by imprisonment in a county jail or penitentiary for not exceeding one year, or by a fine of not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

To apply to all elections.

§ 21. This act shall apply to all elections general or special, including town elections in all towns and charter elections in all of the cities and incorporated villages of this State. Where the charter of any village shall provide that the trustees, or any officer or officers thereof, may or shall, ex officio, be inspectors of any charter election therein or therefor, said trustees or officers may so act, notwithstanding they do not possess the qualifications required by section one hereof, and section two shall not apply to their so acting.

Word "inspector" defined.

§ 22. Wherever the word inspector appears in this act it shall be taken to include and mean all officers who, under any law of this State, shall be required to canvass votes.

When to take effect.

§ 23. This act, so far as the same refers to the qualifications of "inspectors of elections" and "clerks of the poll," shall take effect so as to apply to those hereafter to be appointed or elected as such inspectors and clerks, and in all other respects, shall take effect immediately.

CHAP. 57.

AN ACT to authorize the city of Auburn to take by gift, grant or devise, lands in the town of Sennett for a public cemetery, and to provide for the care, management and protection of the same.

PASSED March 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City may take land for cemetery.

SECTION 1. The city of Auburn may take by gift, grant or devise, lands in the town of Sennett, in the county of Cayuga, not exceeding fifty acres, for a public cemetery, which shall be known and distinguished as The Soule Cemetery. The said city may take by gift, grant or devise, from Lyman Soule, a parcel of land in said town of Sennett, containing about twenty-one acres, and may take by gift or grant from the trustees, or a majority of the trustees, of the "Pine Ridge Cemetery Association of Sennett," a corporation formed under the laws of the State, all the lands now owned by said association, adjoining the said land of Lyman Soule, and commonly known as the Pine Ridge Cemetery.

Commissioners to be appointed to have care of cemetery.

§ 2. When the city of Auburn shall have perfected its title to lands for said cemetery, the common council of said city shall appoint three commissioners, who shall have charge of the care, management and protection of said cemetery. The commissioners shall hold office for three years and until their successors qualify, except as hereinafter provided. The said common council shall, on the first Monday after the first Tuesday in March in each year, appoint one commissioner in place of the commissioner whose term of office expires. The said commissioners shall be deemed officers of said city, and shall qualify and be subject to removal from office like other officers of said city.

esidence of.

If the Pine Ridge Cemetery (so called) shall be included in and form a part of said land for a public cemetery, then and in that case one of said commissioners shall be a resident of the town of Sennett, and two

Vacancies, how to be filled.

of said commissioners shall be residents of said city. In case a resident of the town of Sennett is to be appointed as one of the first commissioners under this act, or in case of a vacancy in the office of the resident commissioner of said town of Sennett, the said common council shall cause notice to be published for two weeks in a weekly newspaper published in said city, of the time and place when and where such appointment will be made. At the time and place designated for such appointment, five or more persons owning lots in Pine Ridge Cemetery (so called) at the time this act shall take effect, may nominate in writing a suitable person for resident commissioner of said town of Sennett. The said common council may provide in said notice what proofs shall be deemed sufficient to establish such ownership of lots. At the time and place designated, the said common council may appoint the person so nominated, and in case such nomination shall not be made, may appoint a suitable person resident commissioner of said town of Sennett. The said common council shall designate the term of each of the commissioners first appointed under this act; one term shall expire on the first Monday after the first Tuesday of March next succeeding such appointment; the second term shall expire one year after the expiration of the preceding term, and the third term shall expire

Terms of, to be designated.

two years after the expiration of the first term named. The resignation, removal or ceasing to be a resident of said city or said town of any of said commissioners, or the death of either of them, shall create a vacancy, which the said common council may fill for the unexpired term.

Powers of commissioners.

§ 3. The said commissioners may fence, regulate, ornament, improve and repair said cemetery, make maps or plats of the same from time to time as may be expedient or necessary, and may cause such maps or plats to be recorded in the clerk's office of Cayuga county. They may designate portions of said cemetery in plats or lots for sale at such prices as to them shall seem just, and sell and convey the same to purchasers by deed of simple form referring to "The Soule Cemetery," and giving such brief description by metes and bounds, or by reference to a map, as will sufficiently identify the plat or lot conveyed, and shall designate a portion of said cemetery where lots will be furnished free to persons who are unable to pay for the same.

Sexton.

§ 4. The said commissioners may employ a suitable person as sexton, to whom they may pay a reasonable compensation. They may cause to be erected upon the said land suitable buildings for residence for the sexton, and for other necessary or convenient purposes.

Comrs. to prepare estimate of amount required and certify same to council.

§ 5. The said commissioners shall, before the first day of June in each year, prepare an estimate of the amount reasonably necessary for the care, management and protection of said cemetery for the ensuing year, and certify the same to the said common council, who shall include the amount of said estimate in the annual city tax of said city, for the current year. Each annual estimate shall specify the amounts received from sales of plats or lots not included in any previous estimate, and any surplus of the estimate of the previous year unexpended, but the amount of any annual estimate, including amounts received from sales of plats or lots and surplus of previous year unexpended, shall not exceed fifteen hundred dollars. The said commissioners may include in their annual estimate a sum not exceeding two hundred and fifty dollars for the improvement or repair of the highway between the eastern limits of said city (being a continuation of Franklin street) and the eastern line of the cemetery land, and they are hereby authorized to make such improvement or repair upon said highway, or such part or parts thereof, within the limits aforesaid, as they shall deem proper, but nothing herein contained shall be construed as to any way relieve or release the inhabitants of said town or the officers having charge of said highway from the duty of keeping said highway in repair.

Amount for repair of highway.

Tax for cemetery.

§ 6. The said common council may include in the annual city tax for the year eighteen hundred and eighty a sum not exceeding five thousand dollars for the objects and purposes provided in this act. All moneys received by the said commissioners for the sale of plats or lots shall be paid to the city treasurer of said city. All moneys received by said city treasurer from taxes or sales of plats or lots, as aforesaid, shall be set apart by said city treasurer as a cemetery fund and paid out by him on the order of the said commissioners, or a majority of them, duly signed and drawn upon that fund. The said commissioners shall receive no compensation for their services, but shall be paid reasonable expenses out of said cemetery fund.

Ordinances for care, etc., of cemetery.

§ 7. The said common council may make, continue, modify, amend and repeal such ordinances as may be reasonable and necessary for the care, management and protection of said cemetery, the care, management and protection of the plats and lots therein, the conduct of persons

while within the cemetery grounds, to exclude improper persons therefrom or improper assemblages therein, to forbid the erection of structures not authorized by said commissioners, to prevent any interment on any plat or lot without the consent of the owner of the same, to regulate and prevent disinterments, to prevent the errection of improper monuments, effigies, structures or inscriptions and to remove the same, to regulate the planting of trees or shrubs, and to provide for the violation of such ordinances, such punishment by fine not exceeding fifty dollars, or by imprisonment in the common jail of the county of Cayuga, not exceeding thirty days, or by both such fine and imprisonment. Such ordinances shall be published once a week, for at least two successive weeks, in a weekly newspaper of said city before they shall take effect. A copy of said ordinances, duly certified by the city clerk of said city as having been duly adopted and duly published, shall be presumptive evidence in all courts and places of the legal adoption and publication of such ordinances. The said cemetery land shall be deemed a part of the territory of said city, and shall be under the jurisdiction thereof, and be subject to the jurisdiction of its courts and officers as fully to all intents and purposes as any part of said city.

Penalty for violation of.

Jurisdiction of city, etc., over.

Exempt from tax.

§ 8. This cemetery land shall be exempt from all taxation, and from school taxes, or highway labor, or assessment.

Annual report.

§ 9. The said commissioners shall report to the said common council, on the third Monday of February in each year, the amount of the expenditures in detail, the amounts of moneys received by them for sales of plats or lots, and generally such matters in relation to said cemetery, for the year then ending, as may be of interest to the public.

§ 10. This act shall take effect immediately.

CHAP. 58.

AN ACT further to amend chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts."

PASSED March 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision seventeen of section three of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts," is hereby further amended so as to read as follows:

Repeal of law not to affect right of certain students and graduates.

17. The repeal of the laws conferring upon a graduate of the law department of the University of Albany, or of the law department of the University of the city of New York, or of the law school of Columbia College, or of the law department of Hamilton College, the right to be admitted to practice as an attorney and counselor at law, upon the production of his diploma, does not affect the right of a person who was a student in, or was graduated by either of those departments or schools, on or before the first day of April, eighteen hundred and seventy-eight, to be so admitted at any time within one year after this amendatory act takes effect, upon his complying with the existing laws as hereinafter defined relating to the admission of such graduate

to practice; nor does the repeal of said laws, or of chapter four hundred and eighty-six of the laws of eighteen hundred and seventy-one, affect the right of any other person who, but for the repeal of the said law or laws, would have been entitled to be admitted as an attorney and counselor at law, at any time on or before the first day of October, eighteen hundred and eighty, to be so admitted as an attorney and counselor at law, within one year after this amendatory act takes effect, upon his complying with the existing laws as defined in section four of the act hereby amended, relating to the admission of such a graduate or person to practice, or upon the production of a license granted to any such person by the supreme court at a general term thereof, permitting such person to practice as an attorney.

§ 2. This act shall take effect immediately.

CHAP. 59.

AN ACT for the relief of the Manhattan Savings Institution of the city of New York, and to authorize the city of Yonkers to issue bonds for certain purposes.

PASSED March 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May publish notice to holders of certain bonds to present same for identification.

SECTION 1. The Manhattan Savings Institution may publish a notice in four newspapers, namely: the State paper, two newspapers published in the city of Yonkers, and one daily newspaper published in the city of New York, once a week for six weeks, requiring all persons in possession of any of the one hundred and eighteen bonds for one thousand dollars each, issued by the city of Yonkers, and numbered two hundred and thirty-three to two hundred and forty-two; two hundred and fifty-one to two hundred and seventy-eight; two hundred and eighty-one to three hundred and forty; five hundred and thirty-one to five hundred and fifty, all inclusive, each bearing date the first day of May, in the year one thousand eight hundred and seventy-five, and payable to bearer; ten of said bonds, numbered from two hundred and thirty-three to two hundred and forty-two, both inclusive, payable on the first day of April, one thousand eight hundred and eighty-nine; twenty-eight of said bonds numbered from two hundred and fifty-one to two hundred and seventy-eight, both inclusive, payable on the first day of April, one thousand eight hundred and ninety; thirty of said bonds numbered from two hundred and eighty-one to three hundred and ten, both inclusive, payable on the first day of April, one thousand eight hundred and ninety-one; thirty of said bonds numbered from three hundred and eleven to three hundred and forty, both inclusive, payable on the first day of April, one thousand eight hundred and ninety-two; twenty of said bonds numbered from five hundred and thirty-one to five hundred and fifty, both inclusive, payable on the first day of April, one thousand eight hundred and ninety-nine, with interest thereon in the meantime semi-annually on the first days of April and October in each year, at the rate of seven per centum per annum, on the presentation of the interest coupons attached to said bonds, said bonds being known as the "City

of Yonkers seven per cent consolidation bonds," and were issued pursuant to chapter two hundred and ninety-seven of the laws of one thousand eight hundred and seventy-five, to the said Manhattan Savings Institution; to present the same for identification to the clerk of the city of Yonkers, at his office in said city, on or before a certain day to be named therein, and not less than ten days from the last day of the publication of said notice, and notifying such persons that unless the said bonds are presented as aforesaid, within the time aforesaid, duplicates of such bonds and their accompanying coupons will be issued to the said institution, and the holders of said original bonds and their accompanying coupons will lose all claim thereupon against the said city of Yonkers.

To whom and when to be presented.

On proof of publication, etc., duplicate bonds to be issued.

§ 2. Upon the presentation to the clerk of the said city of Yonkers, of due proof of the publication of the notice required and provided for in the first section of this act as provided therein, it shall be lawful for the mayor and the clerk of the said city, and the said mayor and clerk are hereby directed to execute and deliver to the said Manhattan Savings Institution duplicates of all such of said bonds with their accompanying coupons as shall not have been presented to the said clerk of the city of Yonkers for identification within the time allowed therefor. *Provided that the said Manhattan Savings Institution shall execute and deliver to the said city of Yonkers a bond in such form and in such penalty as may be approved by a justice of the supreme court after due notice to said city of Yonkers of such application, to indemnify any person or persons who shall thereafter appear to be the lawful owner or owners of such bonds with their accompanying coupons so stated to have been stolen, and to indemnify and save harmless the said city of Yonkers from all claims, judgments, costs and expenses on account of said original bonds; and provided, also, that said institution shall bear and pay the expense of preparing and printing said duplicate bonds.

Proviso.

Additional security to be given if required.

§ 3. If, at any time, the said city of Yonkers shall demand additional security other than that mentioned in the second section of this act, the said Manhattan Savings Institution shall deliver to said city of Yonkers such additional or further security and in such form and penalty and with sufficient sureties as the supreme court or a justice thereof may, by order, require and approve, after due notice to said Manhattan Savings Institution of such application.

When city to be discharged from liability on original bonds.

§ 4. After the delivery to the said Manhattan Savings Institution of such duplicate bonds, the said city of Yonkers shall be discharged of and from all liability upon the original bonds described in the first section of this act, to the said Manhattan Savings Institution and to all persons purchasing the same, after due publications of the notice mentioned in the first section of this act, but the lawful owners thereof (if any) shall have a right of action therefor against the said Manhattan Savings Institution upon the bond provided for in the second section of this act.

§ 5. This act shall take effect immediately.

* So in original.

CHAP. 60.

AN ACT making an appropriation to pay the expense of the publication of the concurrent resolutions proposing amendments to the constitution, under the direction of the secretary of state, in eighteen hundred and seventy-nine, and providing for the publication of concurrent resolutions hereafter.

PASSED March 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purpose of meeting the deficiency in the funds necessary to pay for the publication of the concurrent resolutions of the legislature of eighteen hundred and seventy-nine, proposing amendments to the constitution under the direction of the secretary of state.

Secretary of state to publish in not more than two papers.

§ 2. The secretary of state shall cause to be published, in not to exceed two public newspapers in each county of this state, all concurrent resolutions of the senate and assembly which are, by the constitution or by any law of the state, required to be published. Such publication shall be for one time only, except concurrent resolutions proposing amendments to the constitution, which shall be published once a week for thirteen consecutive weeks; and in all cases where such publication is made in more than one newspaper in a county the publication shall be directed to be made in the two newspapers respectively representing the two rival political parties, polling the highest number of votes at the preceding election.

§ 3. This act shall take effect immediately.

CHAP. 61.

AN ACT to provide for the appointment of two additional trustees of the Binghamton Asylum for the Chronic Insane, and to make an appropriation for such asylum.

PASSED March 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Governor and senate may appoint additional trustees.

SECTION 1. The governor, by and with the advice and consent of the senate, is hereby authorized to appoint two trustees of the Binghamton Asylum for the Chronic Insane, in addition to the number now allowed by law, who shall serve as such for six years from the thirteenth day of May, eighteen hundred and seventy-nine, and until their successors are appointed and enter upon the discharge of their duties. They shall possess all the rights and privileges, and be subject to all the responsibilities, now appertaining to the existing trustees of such asylum.

Appropriation to complete asylum.

§ 2. The sum of sixty-seven thousand eight hundred and sixty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for completing, equipping and maintenance of said asylum, payable by the treasurer on the warrant of the comptroller upon the order of the board of trustees.

§ 3. This act shall take effect immediately.

CHAP. 62.

AN ACT in relation to the office of commissioner of highways of the town of Stony Point, Rockland county.

PASSED March 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall hereafter be chosen at the annual town meeting in the town of Stony Point, Rockland county, only one commissioner of highways for the said town.

§ 2. The said commissioner shall receive a salary not to exceed fifty dollars per annum.

§ 3. This act shall take effect immediately.

CHAP. 63.

AN ACT in relation to the office of overseer of the poor of the town of Stony Point, Rockland county.

PASSED March 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall hereafter be chosen at the annual town meeting in the town of Stony Point, Rockland county, only one overseer of the poor for the said town.

§ 2. The said overseer shall receive a salary not to exceed one hundred dollars per annum.

§ 3. This act shall take effect immediately.

CHAP. 64.

AN ACT in relation to the incorporation of villages.

PASSED March 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The charter of no village heretofore incorporated shall be declared invalid because of a failure to include within the boundaries of said village a mile square of land; and all the municipal acts

of the trustees or other officers of such village shall be deemed to be valid and binding, and of the same force and effect as if such village corporation had originally included one mile square of land within its boundaries.

§ 2. This act shall take effect immediately.

CHAP. 65.

AN ACT further to amend chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river, through the Harlem Kills and ceding jurisdiction on the same," as amended by chapter three hundred and forty-five of the laws of eighteen hundred and seventy-nine.

PASSED March 17, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All sums of money which have been or shall hereafter be awarded under and according to the provisions of the acts hereby amended, to the owners and parties in interest in the lands and premises taken, or which shall hereafter be taken for the purposes of the improvement of the Harlem river and Spuyten Duyvil creek, as just compensation to be made to them for such lands and premises, and the costs and expenses of estimate, assessment, and other proceedings necessarily taken or to be taken under, and authorized by, said acts, and by said acts as hereby amended, shall be borne and paid by the parties and persons interested in and entitled as owners or otherwise to the lands and premises deemed to be benefitted* by said improvement, and the same shall be assessed upon such parties and persons, lands and premises in the manner hereinafter provided. Expenses to be borne by parties benefited.

§ 2. The commissioners of estimate and assessment appointed pursuant to the provisions of chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, and chapter three hundred and forty-five of the laws of eighteen hundred and seventy-nine, by the several orders of the supreme court made and entered upon the petition of John Newton, the engineer in charge of said improvement, in the name of the United States, at a special term of the first judicial district, held in the city of New York on the twenty-fourth, twenty-seventh and thirty-first days of October, eighteen hundred and seventy-nine, are hereby authorized and directed to lay out and determine upon an area of assessment embracing such lands and premises on each side of the exterior lines of said improvement, or as nearly adjacent thereto as said commissioners shall deem to be benefitted* thereby, and to assess upon such lands and premises, and to the persons and parties in interest owning the same, within such area of assessment for the value of such benefit, the sum required to pay the compensation awarded to, or to be awarded by them under the acts hereby amended, and as hereby amended, and the order or orders of the supreme court heretofore made or hereafter to be made upon such Commissioners to make assessment.

* So in original.

petition, and the costs and expenses of estimate, assessment, and other proceedings necessarily taken or to be taken under and authorized by said acts, and by said acts as hereby amended. Said commissioners, before they enter upon the performance of the duties hereinafter prescribed, shall severally take and subscribe the oath prescribed by the twelfth section of the constitution of this state, which oath shall be filed in the clerk's office of the city of New York.

Official oaths.

Duty of commissioners.

§ 3. It shall be the duty of said commissioners, after having viewed the premises, to lay out and determine upon an area of assessment embracing the lands and premises on each side of said improvement, or as nearly adjacent thereto as said commissioners may deem to be benefited thereby, to cause a map of the same to be made showing the limits of said area of assessment, the names of the parties owning or in possession of the lands within the same, so far as the same can be ascertained, and the quantity of land belonging to such owner, and the quantity belonging to such unknown owners whose names cannot be ascertained, and the location of the same on said map as nearly as they can ascertain the same, and to make a just and equitable assessment of the value of the benefit and advantage of such improvement to the respective owners, persons or parties in interest, entitled to or interested in the said respective lands and premises within said area of assessment, in proportion as nearly as may be to the advantage which each shall be deemed to acquire thereby, and in each and every case where the owners or parties in interest, or their respective estates and interests are not known or are not fully known to the said commissioners, it shall be sufficient for them to assess and set forth in general terms the respective sums to be paid by the owners and proprietors generally of said lands and premises and parties interested therein, and to report the same to the supreme court without any unnecessary delay. An abstract of the assessment of said commissioners, containing the names of the owners of the parcels of land, so far as the same can be ascertained, the numbers and description of such parcels as they appear upon said map, together with such map, the amount of assessments made against each owner or party in interest, and also all affidavits, estimates and other documents, which were used by said commissioners in making their said report, shall be deposited in the clerk's office of the city and county of New York, for the inspection of whomsoever it may concern, for at least thirty days before said commissioners make their report to said court. They shall give notice of the time and place of making their said report to the court, and of the filing of said abstract, by advertisement to be published for and during the space of twenty days previous to making said report, in at least four of the public newspapers printed in said city, and by posting copies of said advertisement in hand-bills to be posted up for the same space of time, in three conspicuous places adjacent to said improvement.

Abstract to be made.

Notice.

Rights of persons whose property is affected.

§ 4. Any person or party whose rights may be affected by the said assessment, and who shall object to the same or any part thereof, may, within ten days after the first publication of the said notice, state his, her or their objections to the same in writing to the said commissioners, which statements shall not be received by them unless verified by his, her or their affidavits, or the affidavits of other persons; and it shall be the duty of the said commissioners, in all cases, to transmit to said court, together with their said report, all the written statements and affidavits which may have been served upon them within the time aforesaid. And at the expiration of the said ten days, it shall be the

duty of the said commissioners to give at least ten days' notice, by publication as aforesaid, of a time and place when and where any person or persons, who may consider themselves aggrieved by such assessment, shall be heard in opposition to the same; and the said commissioners shall have power to adjourn from time to time, within the space of ten judicial days, until such person or persons are fully heard. Said commissioners, or such of them as shall make such assessment, in case any objections be made to them and stated in writing, and verified as aforesaid, shall reconsider their said assessment, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly. Notice to be published

§ 5. Upon the coming in of said report, signed by said commissioners, or any two of them, the said court, at a special term thereof, shall, after hearing any matter which may be alleged against the same, either confirm the said report or refer the same to the same commissioners for revisal and correction, or to new commissioners to be appointed by said court to reconsider the subject-matter thereof, and the commissioners, to whom said report shall be so referred, shall return the same report corrected and revised, or a new report to be made by them in the premises, to the said court, and the same, on being so returned, shall be confirmed or again referred by the said court in manner aforesaid as right and justice shall require, and so from time to time until a report shall be made in the premises which the said court shall confirm, and such report, when made, shall be final and conclusive upon the owners, persons or parties in interest and entitled to any lands and premises mentioned in said report, and, also, upon all other persons and parties whatsoever; and the several assessments thereby confirmed shall thereupon become a lien upon the several lands and premises so as aforesaid severally assessed, to the extent of the amount so assessed upon each parcel set forth in said report within said area of assessment. Proceedings on coming in of report.

§ 6. The sums assessed for benefit as the same shall appear by the report of assessment so as aforesaid confirmed, shall be paid by the parties against whom the same are assessed, to the comptroller of the city of New York, who is hereby authorized to receive and apply the same in the manner hereinafter directed. After the confirmation of said report, the said comptroller shall forthwith cause a notice to be published for twenty days, in three of the public newspapers issued in said city of New York, of the confirmation of said report, that the assessments therein made are to be paid at his office within thirty days from the date of the confirmation of said report, without interest, and that if the same are not paid within ninety days from such confirmation, the proceedings provided for by this act will be taken for the enforcement and collection of the same, with interest thereon at the rate of eight per centum after thirty days from such confirmation. Said assessments may be paid to the said comptroller at any time after the confirmation of the said report of assessment, and within thirty days thereafter without interest. And if not paid within thirty days thereafter, interest at the rate of eight per centum per annum shall accrue and be paid upon the same until the same are paid, and as to all such assessments as shall not be paid within ninety days from the time said report of assessment is confirmed, the said comptroller is hereby authorized and directed, immediately upon the expiration of said ninety days, to issue his warrant for the collection of such unpaid assessments. Such warrant shall be signed by the said comptroller Sums assessed to be paid to the comptroller. When to be paid. Interest. Tax warrant to issue.

What to contain.

and directed to the sheriff of the city and county of New York. It shall contain the names of all the persons and parties assessed, who have not paid the sums assessed against them by said report of assessment, the amounts due from such persons and parties respectively; the number and description of the parcels of lands and premises assessed for benefit, owned by such persons or parties respectively, and the amounts due from unknown owners, if any, with the number and description of all parcels assessed to such unknown owners, as set forth in said report of assessment and the map filed therewith. If any such persons or parties shall be the owners of, or interested in, any of the lands and premises taken for such improvement, to whom an award for compensation shall have been made in said report of assessment as confirmed, the amount awarded for such compensation shall be deducted from the amount assessed for benefit, and the excess only shall be the sum inserted in said warrant as the sum to be collected from such persons or parties. Said warrant shall command the sheriff to collect from the persons and parties named in said warrant the sum or sums due from them respectively, with interest at the rate of eight per centum per annum from and after the expiration of thirty days from the date of the confirmation of said report of assessment, pursuant to the provisions and under the authority of this act, and to return the same with the moneys collected thereon, to said comptroller within the period of sixty days from the date thereof. The said comptroller is hereby authorized to renew said warrant after the expiration of said sixty days, from time to time, until the whole amount due for said assessments shall be collected.

Warrant only to issue for excess of benefit over compensation.

Sheriff to collect amount.

§ 7. The sheriff of the city and county of New York shall thereupon, by virtue of said warrant and the authority hereby given, collect the several amounts so directed to be collected from the several persons or parties named therein, and from the several lands and premises numbered and described therein, as belonging to such persons or parties, and he shall have the same power to enforce the collection of the same or any renewal thereof as if said warrant or any renewal thereof were an execution issued in due form of law, upon a judgment of a court of record of this State, against the persons and parties named therein, as against the several parcels of land and premises numbered and described in said warrant. If any of the parcels numbered and described in said warrant shall be assessed to unknown owners, and the amount so assessed shall not be paid to said sheriff within twenty days after said warrant shall have come into his hands, said sheriff is hereby authorized and directed immediately after the expiration of said twenty days to advertise the several parcels so assessed to unknown owners in the same manner and for the same period of time as in the case of known owners, except that for the name or names of the persons or parties as set forth in the notice of sale and other proceedings subsequent thereto, taken by him, the description of "unknown owners" may be inserted therein.

When property of unknown owners to be advertised.

Comptroller to pay sums awarded, etc.

§ 8. From the moneys so collected by said comptroller, he shall pay all sums which have been awarded to the persons and parties as owners or interested in the lands and premises taken or to be taken for the purpose of said improvement, as the same shall appear by the report of the commissioners of estimate, made in pursuance of the provisions of the acts hereby amended, and as amended, when confirmed, and the expenses, charges and disbursements of the proceedings taken under said acts and under the same as hereby amended as taxed and certified by a justice of the supreme court; and whenever it shall appear by

the report of the commissioners of estimate, as provided in the acts hereby amended, and as hereby amended, and by the report of the commissioners of assessments as provided by this act, that an award for compensation for the lands taken or to be taken for the purposes of said improvement, has been made to the same owners or parties in interest upon whom and upon whose lands and premises an assessment for benefit has been made in which the award for compensation is greater than the assessment for benefit, said comptroller shall pay to the said owners or parties in interest the excess only of such compensation so awarded over the amount assessed upon such owners or parties in interest; and whenever an assessment for benefit upon the owners or parties in interest of lands and premises within said area of assessment is made against the same owners or parties in interest to whom compensation is awarded, for lands and premises taken or to be taken, for said improvement, and such assessment for benefit exceeds such award for compensation, such owners or parties in interest shall be liable only to pay such excess; and upon receipt of the amount of such excess with interest, as above provided, said comptroller is hereby authorized and required to discharge such assessment and the lien created thereby.

Inconsistent statutes repealed.

§ 9. Such of the provisions of chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, and chapter three hundred and forty-five of the laws of eighteen hundred and seventy-nine, as are inconsistent with the provisions of this act are hereby repealed, except that this act shall not affect any proceedings heretofore taken under the acts hereby amended, but the court in which said proceedings may be pending may amend the same or any orders heretofore made therein, so as to make the same conform with the provisions of this act. In case there shall be received by said comptroller under this act, from said assessments and interest thereon, a greater sum than will be required to pay the several amounts hereinbefore directed to be paid from the same, the several persons and parties in interest who have paid such assessments shall be entitled to receive from said comptroller the proportion of said surplus which the sums so paid by them bear to the whole amount of said surplus.

§ 10. This act shall take effect immediately.

CHAP. 66.

AN ACT to confer power upon the common council of the city of New York to complete the restoration of Tompkins square as a public park.

PASSED March 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

To complete restoration of Tompkins square.

SECTION 1. The common council of the city of New York is hereby authorized to direct the department of public parks of the city of New York to complete the restoration of Tompkins square as a public park or square.

Means for the work.

§ 2. To provide the means for the work authorized by the first section of this act, the board of estimate and apportionment of the city

how to be raised.

of New York is hereby authorized and directed, within twenty days after requisition is made upon said board by the head of the department of public parks, to add to and include in the final estimate of the amounts required to pay the expenses of conducting the public business of the city and county of New York for the year eighteen hundred and eighty, an appropriation of twenty-five thousand dollars for the purpose, and it shall be the duty of the head of said department of public works to fully and entirely complete the work authorized by this act, within the amount appropriated for the purpose, before the close of the year eighteen hundred and eighty.

§ 3. This act shall take effect immediately.

CHAP. 67.

AN ACT to amend the Code of Civil Procedure.

PASSED March 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision two of section one thousand and eighty-one of "The Code of Civil Procedure" is hereby amended so as to read as follows:

Persons exempt from jury duty.

2. A practicing physician, surgeon, or surgeon dentist having patients requiring his daily professional attention, and not following any other calling, and a licensed pharmaceutist or pharmacist while actually engaged in his profession as a means of livelihood.

§ 2. This act shall take effect immediately.

CHAP. 68.

AN ACT to authorize the sale of lands in the town and village of Saratoga Springs, for unpaid State, county and municipal taxes, including water rates and special assessments.

PASSED March 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Receiver of taxes may sell real estate.

SECTION 1. It shall be the duty of the receiver of taxes and assessments of the town and village of Saratoga Springs, and he is hereby invested with power and authority to sell real estate in said town and village, upon which the State, county and municipal taxes, including water rates and all special assessments, are unpaid on the first day of May next after the said taxes are laid.

When to advertise and sell.

§ 2. Whenever any tax charged on real estate, and the interest thereon at the rate of one per cent per month, to be calculated from the time when such tax was payable, shall remain unpaid on the first day of May next after the said taxes are laid, the said receiver shall proceed to advertise and sell such real estate in the manner hereinafter provided, for the payment of such tax and interest and the expenses of such sale, which expenses are to be estimated by said re-

ceiver. The estimated expenses of publishing lists of lands, and of advertising the same shall be a charge on the lands advertised and shall be added to the taxes and interest thereon.

To publish list of real estate liable to be sold.

§ 3. The said receiver shall, immediately after the first day of May in each year, cause to be published once a week for six successive weeks, in one or more of the public newspapers of the village of Saratoga Springs, having the largest circulation therein, a list or statement of the real estate liable to be sold, with the taxes and charges and the interest thereon computed to the day of sale, and also a notice that the said real estate will, on a day at the expiration of the said six weeks, to be specified in such notice, and the succeeding days thereafter, be sold at public auction at the receiver's office, in the village of Saratoga Springs, for the lowest term of years for which any person shall offer to take the same, in consideration of advancing the sum necessary to discharge the taxes, interest and charges aforesaid, which may be due thereon at the time of sale.

Purchasers to pay amount of bids immediately.

§ 4. The purchasers, at such sales, shall pay the amount of their respective bids to the said receiver immediately, and after such payment shall have been made, the receiver shall give to the purchaser of any such real estate a written or printed certificate, signed by him and describing the real estate purchased, the sum paid and the time for which the purchaser will be entitled to the possession thereof; and such purchaser, or his legal representatives, may at the expiration of two years from the last day of said sale, upon the surrender of said certificate, receive a deed of such real estate, as hereinafter provided, unless the real estate shall have been redeemed as provided by the sixth section of this act, or the sale thereof shall have been canceled; and such purchaser shall, upon receiving said deed, be entitled to possession of said land, and may cause the occupant of such real estate to be removed therefrom and the possession thereof delivered to him in the same manner, and by the same proceedings, and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord; provided, however, that no mortgagee or judgment creditor, whose mortgage or judgment shall have been duly recorded before said sale, and no owner, occupant or other person interested therein, shall be divested of his rights in such real estate, unless six months' notice in writing of the sale and purchase of said real estate shall have been given to him by the purchaser or those claiming under him, either personally, or if not found in the village, by mail, directed to him at his last known place of residence within one month after the service of such notice, it shall be the duty of the person serving, or causing the same to be served, to file in the town and village clerk's offices a copy of the notice served, together with the affidavit of some creditable person, certified as such by the officers before whom such affidavit is taken, proving the manner of such service. In case no person shall offer to bid for any lot of land offered for sale, the receiver shall bid in such land for the town or village of Saratoga Springs, as the case may be, for the term of one thousand years.

When to receive deed.

When to have possession.

Proviso.

Proof of service of notice to be filed.

When receiver to resell.

§ 5. If any purchaser at any sale of lands for taxes shall neglect or refuse to pay the amount of his bid or bids, the receiver may, at his discretion, resell the said real estate immediately or at an adjourned sale, or execute his certificate of sale to such person or persons as will take the same and pay the same bid, or may maintain an action against the purchaser for the sum bid, and interest thereon at twelve per centum per annum. After such payment shall have been made, or the amount

Certificate of sale to be delivered to purchaser.

of such bid shall have been collected, the said receiver shall deliver to the purchaser or purchasers of any such real estate a written or printed certificate duly signed by him, the same as is mentioned in section four of this act; and the receiver shall enter in a record book, to be kept by him for that purpose, on the issue of all such certificates of sale, a description of each lot or plot sold, giving the number or numbers of the street or ward in which the same is located, occupied or vacant, to whom sold, and for what term of years; and if redeemed before a deed is executed, by whom, at what dates, and what amount paid; or if a deed be given, to whom and at what date.

Redemption.

§ 6. The owner, mortgagee, or any other person, may redeem the lands sold, at any time within two years after the last day of such sale, by paying to the said receiver for the use of the purchaser, his heirs or assigns, the sum mentioned in his certificate and the interest thereon, at the rate of ten per centum per annum, from the date of said certificate, or may redeem any part of any lot or plot sold by paying a proportional part of the purchase-money, and said ten per centum interest thereon.

Conveyance to be executed to purchaser.

§ 7. If such real estate, sold for taxes, or any portion thereof, be not redeemed as herein provided, or the sale thereof shall not have been canceled, the said receiver shall execute to the purchaser, his heirs, or assigns, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate for the term of years mentioned in his certificate; subject, however, to any lien of taxes, and also of any assessments for improvements made by the said town or village of Saratoga Springs, and to all claims which the people of the State of New York, or the town and village of Saratoga Springs may have thereon. The receiver shall be entitled to one dollar, to be paid by the grantee, for preparing and executing such conveyance; which conveyance shall include all the lands unredeemed, purchased at said sale by the same grantee.

Fee for.

Effect of conveyance, etc.

§ 8. Every such conveyance executed by the said receiver, under his hand and seal, and duly acknowledged by him, shall be presumptive evidence that the sale and all the proceedings prior thereto, from and including the assessment of the lands, were regular; and in case the sale shall be set aside for any cause, the purchase-money, and interest thereon, shall be at once refunded to the purchaser by the said receiver.

Action to vacate sale.

Any person interested in property upon which a tax or assessment has been, or may be, assessed or levied, may bring an action to vacate and set aside such tax or assessment, or any sale made by virtue thereof, and to enjoin and restrain the sale of any real or personal property, provided that such action shall be brought within two years after written notice of such sale.

§ 9. This act shall take effect immediately.

CHAP. 69.

AN ACT ceding jurisdiction to the United States over a submarine site for a light-house to be built at the Great Beds in Raritan bay.

PASSED March 20, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby ceded to the United States over a site for a light-house, to be built on the Great Beds in Raritan bay, on lands under water belonging to this State. The site is on the edge, or south-eastern extremity of the shoal known as the Great Beds, which makes out from the New Jersey shore at the intersection of the Raritan river and Perth Amboy channels, and is embraced within a circle seven hundred feet in diameter, the center point of which is distant three-fourths of a mile in a course south twenty-two degrees west from the south-west gable of the dwelling-house of B. C. Butler, at Ward's Point, on the southerly shore of Staten Island, and contains eight and eighty-three one-hundredths of an acre in area, as shown on a map and description which have been filed in the office of the secretary of State of this State. Jurisdiction ceded to United States.

§ 2. The said jurisdiction is ceded upon the express condition that the State of New York shall retain a concurrent jurisdiction with the United States in and over the site aforesaid, so far as that all criminal and civil process which may issue under the laws or authority of the State of New York may be executed therein in the same way or manner as if such jurisdiction had not been ceded, except so far as such process may affect the real or personal property of the United States. Condition.

§ 3. The said site shall be and continue forever hereafter exonerated and discharged from all taxes, assessments and other charges which may be levied or imposed under the authority of this State, but the jurisdiction hereby ceded and the exemption from taxation hereby granted shall continue in respect to said property so long only as the same shall remain the property of the United States and be used for light-house purposes and no longer. Exemption from taxes.

§ 4. This act shall take effect immediately.

CHAP. 70.

AN ACT to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and to consolidate therewith the several acts in relation to the charter of said city, as amended by chapter fourteen, laws of eighteen hundred and eighty.

PASSED March 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-five of chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act

to amend and consolidate the several acts in relation to the charter of the city of Rochester," and to consolidate therewith the several acts in relation to the charter of said city, as amended by chapter fourteen, laws of eighteen hundred and eighty, is hereby further amended so as to read as follows:

Salary of mayor and other officers to be fixed by common council.

§ 45. The common council shall annually determine the salary to be paid to the mayor, which shall not be less than two thousand dollars per annum, and shall also annually determine the salary to be paid to the police justice, which shall not be less than two thousand dollars per annum, and shall also annually determine the salary to be paid to the city treasurer and to any officer appointed by it, except where such officer is not, by the provisions of this act, to receive any salary, or his compensation is otherwise provided for, which salary shall be paid from the city treasury, and shall not be diminished during the then current municipal year commencing on the first Monday of April, and neither of said officers shall receive for himself other fees, compensation or perquisites, except that the city attorney may receive for himself the taxable costs in any action brought or defended by him for said city, and in which said city shall prevail, provided the same be collected of the party adverse to said city in such action. Nothing herein shall prevent the common council from compromising, settling, discontinuing or abandoning any action, appeal, matter or proceeding, without paying or incurring any liability for costs to any city attorney.

§ 2. This act shall take effect immediately.

CHAP. 71.

AN ACT to authorize the board of trustees of Putnam Union Free School District Number Ten of White Creek and Jackson to sell and convey a portion of the real estate constituting their school-house site.

PASSED March 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of trustees may sell part of school-house site.

SECTION 1. The board of trustees of Putnam Union Free School District Number Ten of White Creek and Jackson, or a majority of them, are hereby authorized and empowered to sell and convey any part or parts of the real estate constituting their school-house site, and to apply the proceeds of such sale or sales to the payment of the debt of said district, or to the improvement of the remainder of such site, or to such other purpose as they may deem most beneficial to said school district, provided, however, that such site shall not be reduced by any such sale or sales to less than two acres of ground.

§ 2. This act shall take effect immediately.

CHAP. 72.

AN ACT to amend section one, title four, chapter seventeen, part one of the Revised Statutes, relating to the licensing of hawkers and peddlers.

PASSED March 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one, title four, chapter seventeen, part one of the Revised Statutes, is hereby amended so as to read as follows:

§ 1. No person shall be authorized to travel from place to place within this State for the purpose of carrying to sell, or exposing for sale, any goods, wares or merchandise of the growth, produce or manufacture of any foreign country other than family groceries and provisions, unless he shall have obtained a license as a hawker and peddler in the manner hereinafter directed. License not required for peddling family groceries.

§ 2. This act shall take effect immediately.

CHAP. 73.

AN ACT to authorize the Ogdensburg and Lake Champlain Railroad Company to issue bonds and to execute a mortgage to raise funds to provide for the retirement of its preferred stock and other purposes.

PASSED March 23, 1880: three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Ogdensburg and Lake Champlain Railroad Company, a corporation duly organized and incorporated under and pursuant to the laws of the State of New York, is hereby authorized and empowered to issue its bonds to an amount not exceeding four millions five hundred thousand dollars, in such form and payable at such place and time as its directors may determine, and to secure the payment of the whole or any part of said bonds by a mortgage upon its franchise, railroad and other property, both real and personal. Railroad company may issue bonds.

§ 2. The said bonds, or the proceeds thereof, shall be used only in the purchase, exchange or retirement of its preferred stock as hereinafter provided, in the purchase, exchange or payment of its present mortgage and other bonds, and in the construction of an elevator, building or purchasing new cars and engines, relaying its track with new rails, and other improvements to its property. Proceeds of bonds, how to be applied.

§ 3. The said company is hereby authorized and empowered, with the proceeds of said bonds, to purchase the whole or any part of its preferred stock or to exchange said bonds for the whole or any part of said preferred stock upon such terms as may be agreed on hereafter. And said stock, when so purchased or exchanged, shall be canceled by said company, and shall not thereafter be reissued. And said company shall, in its annual report to the State engineer and surveyor, state the Purchase of preferred stock authorized.

amount of such stock so canceled until the whole of said preferred stock shall be so canceled.

Bonds not to be issued until after vote of stockholders.

§ 4. The directors of said Ogdensburg and Lake Champlain Railroad Company shall not issue any of said bonds or execute such mortgage until the same shall be authorized by the vote of a majority of the stock of said company, represented and voted upon by the holders thereof in person or by proxy, as at an election for directors, at an annual meeting or special meeting called for that purpose, of which annual or special meeting a written or printed notice distinctly specifying its object shall have been given at least thirty days previous to the time designated for holding the same, to all stockholders whose addresses shall be known to said company. Said notice may be served personally or by mail, by depositing copies thereof in the post-office at Boston, Massachusetts, postage paid, and directed to the stockholders intended to be served at their respective places of residence or business, so far as known, and by publishing the same in the Boston Daily Journal, a newspaper published in the city of Boston, and in one newspaper in each of the counties of St. Lawrence, Franklin and Clinton, in this State, at least once in each week for thirty days prior to the day designated for said meeting.

Stock register to be kept, and to be open for inspection of owners of stock or bonds.

§ 5. The said company shall keep a book, in which the ownership of any of the bonds issued under this act may be registered, which shall be open at all reasonable times during the usual hours of transacting business, to the examination of every stockholder or owner of said bonds issued under this act, for thirty days previous to the election of directors, and every owner of said bonds, the ownership of which in his name shall have been entered in said book at least thirty days previous to such election, shall have one vote, either personally or by proxy, for each one hundred dollars of said bonds, in the election of directors of said company, under the same regulations as apply to the votes of stockholders. The said book shall be kept in the office where the stock book of said company shall be kept, and shall be produced for the use of the inspectors of election at every meeting for the election of directors. The production of said bonds to the officer of said company in charge of said book shall entitle the holder thereof to the registry thereof in his name upon said book.

§ 6. This act shall take effect immediately.

CHAP. 74.

AN ACT relative to lands under water in front of lands devised by James Morris, deceased.

PASSED March 23, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

On petition court may order sale of lands between high and low water mark.

SECTION 1. On the petition of William Henry Morris and his descendants in being, in person if of age, and by a next friend if infants, the supreme court, at a general or special term thereof, held in the city and county of New York, may authorize the sale in fee simple absolute, or the lease for a term of years not to exceed twenty-one years, of all lands including lands between high and low-water mark, which have been heretofore granted or may hereafter be granted by the peo-

ple of the State of New York to the said William Henry Morris and to his descendants, originally lying under the waters of the Harlem river in front of and adjacent to other lands which, in the will of James Morris, deceased, dated the twenty-seventh day of January, eighteen hundred and twenty-five, are known and described as the said testator's mansion house, and the residue of the farm of land whereon he then resided, and of all rights to, and interests in, the said land or other land under water in front of and adjacent to the said lands in said will described, whether such rights or interests are pre-emptive or otherwise, or of any part or parts of such lands, rights and interests, from time to time as may be judged expedient and calculated to promote the interests of the descendants of the said James Morris, whether yet in being or not, to whom or for whose benefit the up-land adjoining the said land under water is devised by said will after the death of the said William H. Morris. The court, upon the petition of the said William H. Morris, or of any other adult descendant of the said William H. Morris, shall appoint one or more suitable persons as the next friend or guardian, or next friends or guardians of such of the descendants of the said William H. Morris, as may be infants, in relation to the proceedings on such application.

Description of lands.

§ 2. The court shall, in respect to each sale, either authorize and direct the same to be by auction, on such terms as the court may prescribe, or shall ascertain, by the report of a referee or otherwise, the terms on which such sale shall be proposed to be made at private sale, and in every sale shall ascertain what portion of the price to be paid thereon is the proceeds of the interest, legal or equitable, of said William Henry Morris in the premises to be sold, and, if it shall seem proper, may direct such proposal to be confirmed, and the sale, if by auction, shall be reported to the court, and, if approved, the court may confirm the same and direct the sale to be made and a conveyance for the premises to be executed accordingly, by the said William H. Morris and a referee acting on behalf of his descendants in the premises. And in case of a lease of such lands, or any part thereof, the court shall, in like manner, ascertain the terms upon which said lease shall be proposed to be made, and may direct such proposal to be confirmed, and may authorize the said lease to be made and to be executed by the said William H. Morris, and a referee acting in behalf of his descendants in the premises.

Proceedings, for sale.

§ 3. The portion of the proceeds of each sale which shall so appear to be produced from the interest of said William H. Morris shall be directed to be paid to him, and the residue thereof, after the payment of the necessary expenses and charges connected with the said sale and said proceedings, shall be invested under the direction of the court for the benefit of such descendants of the said William H. Morris as may become interested therein under the said will; all or any part of such investment may be made by taking the bond of a purchaser for part of the purchase-money on any such sale, secured by a mortgage on the premises sold. And in case of a lease of the said premises, or of any part thereof, the rent reserved thereby may be directed to be paid to the said William H. Morris during his life-time, and, after his death, to such of his descendants as may be owner or owners of said premises.

Proceeds, how to be disposed of.

§ 4. All sales and conveyances made as aforesaid in pursuance of such authority or direction shall be valid and effectual to vest the said lands sold or conveyed in the purchaser and his assigns in fee simple absolute; and all leases made as aforesaid in pursuance of such authority

Sale to vest absolute fee in purchaser.

or direction shall be valid and effectual to vest the lands leased in the lessee and his assigns for the term of years thereby granted as against the said William Henry Morris, and as against all his descendants, whether in being or not, who might become entitled under the said will.

§ 5. This act shall take effect immediately.

CHAP. 75.

AN ACT to subject the town of Scipio, in the county of Cayuga, to the provisions and operations of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties."

PASSED March 23, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Scipio, in the county of Cayuga, is hereby in all things made subject to the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties."

§ 2. This act shall take effect immediately.

CHAP. 76.

AN ACT to amend section one of chapter two hundred and twelve of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the distribution of the acts passed by the legislature to town clerks' offices."

PASSED March 23, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and twelve of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the distribution of the acts passed by the legislature to town clerks' offices," is hereby amended so as to read as follows:

Duty of secretary of state to forward slips of laws to county clerk.

§ 1. It shall be the duty of the secretary of State to forward by mail, or by express, to the clerks of each of the counties of this State a sufficient number of printed slips of the acts passed by the legislature at each session, as soon as approved by the governor, to supply the clerk of each town and incorporated village in their respective counties with one copy thereof.

§ 2. This act shall take effect immediately.

CHAP. 77.

AN ACT to amend chapter four hundred and ninety-seven of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the city of Poughkeepsie and to consolidate with it other acts relating to said city."

PASSED March 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title two of chapter four hundred and ninety-seven of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city," is hereby amended so as to read as follows:

§ 1. The officers of said city shall consist of one mayor, two assessors, one recorder, two justices of the peace, four constables, one city attorney, one treasurer, twelve commissioners of schools, six water commissioners and six commissioners of the alms-house, to be elected by the city at large; two aldermen and one supervisor, to be elected in each ward, and one chamberlain, one superintendent of streets, one city engineer, one chief engineer of the fire department and two assistants, and such other officers as are herein authorized, who shall be appointed by the common council upon the nomination of the mayor, except as hereinafter provided. Officers.

§ 2. Section three of title two of said act is hereby amended so as to read as follows:

§ 3. The common council shall give public notice of all elections under this act, by notice to be published at least two weeks in all the newspapers printed in said city, once a week until the time of holding such election; and at every election to be held under this act, three inspectors of election shall be elected in each ward in the manner prescribed by law; and the provisions of the law concerning elections, other than for militia, passed April fifth, eighteen hundred and forty-two, with the amendments and additions thereto, are hereby declared applicable to said city of Poughkeepsie and to the elections to be held under this act except so far as they may be inconsistent therewith. Notices of elections.

§ 3. Section seven of title two of said act is hereby amended so as to read as follows:

§ 7. The polls of the elections in the several election districts at the said city elections shall be opened at eight o'clock in the morning of the day of election, and shall be kept open without intermission or adjournment until five o'clock in the afternoon, when they shall be finally closed; and the inspectors shall, forthwith, without adjourning, canvass the votes received by them and certify and declare the results, stating the number of votes given for each person for each office, and shall file such statement and certificate on the same or the next day with the city chamberlain. Polls, canvass, etc.

§ 4. Section ten of title two of said act is hereby amended so as to read as follows:

§ 10. The term of office of all the officers to be elected under this act shall commence on the first day of January next ensuing their election. Commencement of term of office.

§ 5. Section fifteen of title two of said act is hereby amended so as to read as follows:

Terms of office.

§ 15. The mayor, city attorney and treasurer of said city shall hold their offices for two years, and until their successors shall qualify; all other officers elected or appointed under this act, except aldermen, recorder, commissioners of schools, water commissioners, commissioners of the alms-house, justices of the peace and assessors, shall hold their offices for one year, and until their successors shall qualify. But the common council may at any meeting thereof, by a two-thirds vote of all the aldermen in office, remove any officer nominated by the mayor and appointed by them, and upon the nomination of the mayor appoint another in his stead, who shall hold until the expiration of the term of his predecessor, subject to the like power of removal.

Removal of officer from office.

§ 6. Section sixteen of title two of said act is hereby amended so as to read as follows:

Vacancies, how filled.

§ 16. If a vacancy shall happen in any elective office, the common council shall fill the same by appointment until the first day of January succeeding the next annual election thereafter, at which election the residue of the term of office, if there shall be any unexpired, of the officer whose term shall have become vacant shall be filled by some person to be elected to such office for the residue of such term, according to the provisions of this act.

§ 7. Section eighteen of title two of said act is hereby amended so as to read as follows:

Common council to appoint city chamberlain and other officers.

§ 18. At the first regular meeting of the common council after their organization, subsequent to the annual election as prescribed in this act, or at some subsequent meeting, and as soon as may be, it shall be the duty of the common council to appoint, upon the nomination of the mayor, one city chamberlain, one city engineer, one superintendent of streets, one city sealer, one chief engineer of the fire department and two assistants, and thirty fire wardens, who shall hold their offices for one year in the manner provided by this act. The common council shall have power to appoint at any time they may consider the same necessary for the public interests, so many special police officers as they may deem best, all of whom shall hold their offices at the pleasure of the common council.

§ 8. Section two of title three of said act is hereby amended so as to read as follows:

§ 2. In the proceedings of the common council each member present shall have a vote except the mayor, who shall have only a casting vote when the votes of the other members are tied.

§ 9. Section four of title three of said act is hereby amended so as to read as follows:

Quorum.

§ 4. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered nor any appointment be made, except by a concurring vote of a majority of all the members thereof in office; and every resolution or ordinance of the common council (except those prescribing rules for their own government and appointing and removing officers) shall, before it takes effect, be presented, duly certified, to the mayor; if he approve of it he shall sign it, in which case it shall take effect immediately thereafter, unless otherwise ordered; if he do not approve of it he shall return it with his objections to the city chamberlain within ten days after he receives it. The aldermen may then proceed to consider the same, and if two-thirds of all the aldermen elected then agree to pass the same, it shall take effect as if it had duly received the may-

Veto.

Passage of ordinance over veto.

or's signature. In every such case the vote shall be taken by yeas and nays, and entered on the minutes of the meeting, and the objections of the mayor shall also be entered thereon at length by the chamberlain with the other proceedings. If such ordinance or resolution shall not be returned to the chamberlain by the mayor within ten days after its receipt by him, it shall take effect in like manner as if he had signed it.

§ 10. Section eight of title three of said act is hereby amended so as to read as follows:

§ 8. The common council shall have the management and control of the finances and of all the property, real and personal, belonging to said corporation except as hereinafter provided, and shall have power within said city to make, establish, publish and modify, amend and repeal ordinances, rules, regulations and by-laws for the following purposes: Control of finances.

1. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages. Prevention of vice.

2. To restrain and suppress disorderly and gaming houses, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices within the said city. Disorderly houses.

3. To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows or exhibitions, or performances for money, within the bounds of the city, or, if the common council shall deem it advisable, to license the same, upon such terms as the common council shall direct. Exhibitions, etc.

4. To suppress and restrain disorderly houses or houses of ill-fame, and houses and places where intoxicating liquor is sold to be drunk, and to prohibit the sale of intoxicating liquors without license or contrary to law. Houses of ill-fame, etc.

5. To determine the existence and direct the removal of a public nuisance in any part of the city, and if the same be not removed in such time as the common council shall direct, to cause the same to be removed at the expense of the city, and to declare such expense to be a lien on the lot upon which such nuisance may be, and to enforce the collection by leasing or selling the premises in the manner provided in this act for the collection of taxes or assessments, or by action against the owner of the lot or any other person who may have erected, suffered or maintained such nuisance, and in case of the neglect or refusal to abate any nuisance, the common council may impose a penalty therefor, and enforce the collection thereof as prescribed by this act. Removal of nuisances.

6. To direct the location of all houses for storing gunpowder, camphene, kerosene oil, nitro-glycerine and other combustible and explosive substances, and to regulate the keeping, selling and conveyance thereof, and to prescribe the limits within said city for the manufacture and sale thereof, and to regulate the standard of all burning fluid and combustible oils used or sold or held for sale in said city, and to regulate the use of candles and lights in barns, stables and outbuildings. Location of houses for storing gunpowder, etc.

7. To prevent horse racing and immoderate driving in the streets of said city, to prohibit and punish the flying of kites, and every other game, practice or amusement in the public streets or elsewhere, having a tendency to frighten teams and horses, or to injure or annoy persons passing in or along the highways and streets of the city, or to endanger property. Horse racing, etc

8. To regulate and determine the places of bathing in the river, streams or ponds within said city. Bathing-places.

Vagrants. 9. To restrain and punish vagrants, mendicants, street beggars and common prostitutes.

10. To establish and regulate public pounds.

Cattle running at large. 11. To restrain the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of keeping and proceedings.

Ringing of bells, etc. 12. To prevent or regulate the ringing or tolling of bells, except those of railroad cars and engines, blowing of horns or crying of goods or wares, firing of guns or powder, and the making of any improper noise which may tend to disturb the peace of the city, and the sale and use of fire-crackers, rockets, squibs and other explosive compounds.

Taxing dogs. 13. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large contrary to any ordinance.

Bills of mortality, etc. 14. To direct the keeping and returning of bills of mortality, and to compel all physicians, under a penalty, to file with such officer as said common council shall direct a certificate of the death of any person dying in said city while under the charge of such physician.

Fire-engines, etc. 15. To regulate and keep in repair the fire-engines, hose-carts and carriages, hose and hooks and ladders belonging to the said city, and the public buildings of said city, except as otherwise provided in this act.

Markets. 16. To regulate the sale of fish, meats and vegetables within said city; to regulate or prohibit the making or keeping of markets for the sale of meat or fish, except at such places as the common council shall designate, and to regulate or prohibit the erection, keeping or using of slaughter-houses and tanneries within the said city.

Lighting of city. 17. To regulate the lighting of the said city, and to provide for the protection and safety of the public lamps thereof.

Peddling, etc. 18. To regulate and restrain hawking and peddling on the streets of said city.

Hackney coaches, etc., to be licensed. 19. To license and regulate carriers, teamsters, cabmen, porters, the drivers of hackney coaches, of stages or omnibuses for the transportation of passengers within the city, and to prohibit unlicensed persons from acting in either of such capacities, to fix their rates of compensation and to require them to have licenses, and to fix the amounts to be paid therefor, and to require them to wear badges.

Hotel runners, etc. 20. To regulate runners, stage drivers and others in soliciting passengers and others to travel or ride in any stage, omnibus, boat or upon any railroad, or to go to any hotel or otherwise.

Obstruction of streets. 21. To regulate, restrain or prevent the unnecessary obstruction of streets by locomotives and cars, and to regulate the speed of locomotives and cars in said city.

Official bonds. 22. To fix the amount, and decide upon the sufficiency of the sureties in the official bond of the chamberlain, treasurer and other officers from whom they may require surety, except as otherwise provided in this act; and to require additional security from any such officer when they may deem it necessary, and suspend him until it is given.

Shade trees, etc. 23. To compel, direct and regulate the planting of shade and ornamental trees along the streets and sidewalks of said city, and to prevent the injury or destruction of such trees, and to prevent the injury and defacement of fences, posts and buildings in said city.

Keeping of swine. 24. To prescribe where in said city, or within what distances from any street or dwelling-house, or within what boundaries in said

city, swine shall not be kept, or to prohibit altogether the keeping of swine within the limits of said city.

25. To prohibit and regulate the burial of the dead, and to protect the public cemeteries, and to regulate and restrict the extension of cemeteries and burial grounds in said city. Burial of the dead.

26. To cause buildings, stoops and other structures encroaching on the streets to be removed at the expense of the owners or occupants thereof; to make such expense of removal a lien on the lots, and to issue warrants against any such owner or occupant to collect the expenses of such removal, as assessments and taxes are collected, provided, that before any order or adjudication is made directing the removal of any such building, stoop or any other structure, notice shall be given to the occupants of the premises upon which the same is situate, and an opportunity to be heard thereon before said common council; and in case of the removal thereof by the city, a certificate filed with the chamberlain stating the expense of such removal, signed by the mayor, shall make such expense a lien on the lot. Encroachments upon streets.

27. To permit building materials to be deposited on the street in front of any lot to such extent and for such time as they may prescribe, and to prescribe penalties for the deposit thereof, without such permission. Building materials.

28. To give names to the streets and numbers to the lots and tenements, and to change the same and to compel the occupant of any lot to place such numbers in a prominent place in front of such lot or building. Names of streets.

29. To prohibit the gathering or assembling of persons upon the public streets of said city, or congregating upon the corners of the streets thereof and to authorize the police officers of said city to disperse all such gatherings or assemblages of persons. Gatherings upon street corners.

30. To prohibit the refining, clarifying, distillation or manufacture of kerosene oil within said city. Kerosene oil

31. To prohibit fat-boiling, soap-boiling and bone-boiling within the city limits, or to prescribe limits within which fat-boiling, soap-boiling and bone-boiling shall be prohibited. Soap boiling.

32. To prohibit the sale of goods and merchandise, or the performance of work or labor for hire on Sunday by all persons except such as observe the seventh day of the week as a day of religious worship instead of the first day of the week. Observance of Sunday

33. To prohibit the discharge or deposit in the waters of the Fallkill creek, or in or upon the channel thereof, of any coal, ashes, refuse or other matter, or of any waste water or other substance or mixture from any tannery, dye-house, slaughter-house or factory, or from any privy or other source. Deposit of filth in creek.

34. To do all such acts and make all such ordinances as shall be necessary to carry into effect any general power, or discharge any duty conferred or imposed by this act, although such acts or ordinances may not be specially enumerated herein. General objects.

§ 11. Section eight of title four of said act is hereby repealed.

§ 12. Sections nine and ten of title four of said act are hereby amended by renumbering them sections eight and nine.

§ 13. Section eleven of title four of said act is hereby amended so as to read as follows:

§ 10. It shall be the duty of the superintendent of streets to superintend, under the general direction of the common council, all work to be done or performed, or ordered or required to be done or performed, upon any of the public highways, streets, walks, Street superintendent, duty of.

bridges, or public grounds of said city, to purchase or provide, at the expense of said city, all necessary implements and utensils, to hire and employ the requisite laborers, to direct them as to the time and manner of the execution of their work, and to certify to the common council, at every regular meeting thereof, all persons who shall have been employed on any of the streets, walks, highways, bridges or public grounds, and generally to act under the direction of the common council of the city. He shall have no power to contract any debt or liability on the part of the city, unless authorized by resolution of the common council so to do. He shall not employ his own team, or wagon, or cart, nor shall he be directly or indirectly interested in any work or in any contract to work, or furnish material for said city, under penalty of forfeiture of his office. Before entering upon the duties of his office, he shall file with the city chamberlain a bond, with such penalty and with such sureties as the common council shall approve, conditioned that he will faithfully discharge the duties of his office. Whenever the common council shall order any of the repairs or improvements to be made, or any of the work to be done specified in this section, they shall, in the resolution making such order, direct as to the time and manner of making such repairs or improvements, or doing such work, and shall also make such appropriations therefor as they shall deem necessary. When such appropriation is exhausted the superintendent shall discontinue the repairs, improvements or work for which the same was made. In case such superintendent shall expend or incur an indebtedness in any one year, to a sum greater than the amount which the common council shall have determined to raise for highway purposes for that year, he shall be personally liable for all the work and materials furnished after such highway fund for that year is exhausted, either to the men employed and the persons who have furnished material, or to the city, if the city shall have paid the same. The chamberlain shall keep an accurate account with each appropriation made as aforesaid, and charge such appropriation with each warrant drawn thereon. It shall be the duty of the superintendent of streets, at all times during the season of frosts, under such regulations as the common council shall prescribe, to see that the sidewalks and gutters along the streets in said city are kept free from snow and ice, and to see that the heaping or piling of snow in the streets does not render them unsafe and dangerous for the passage of teams, and such superintendent shall receive such compensation as shall be fixed by the common council, not to exceed eight hundred dollars in any one year.

Not to contract debt.

Not to employ his own team, etc.

Official bond.

Repairs and improvements.

Work to stop when appropriation is exhausted.

Chamberlain to keep accounts.

Sidewalks and gutters to be kept free from snow and ice.

§ 14. Sections twelve, thirteen, fourteen and fifteen of title four of said act are hereby amended by renumbering them, respectively, sections eleven, twelve, thirteen and fourteen.

§ 15. Section eight of title five of said act, as amended by chapter two hundred and fifteen of the laws of eighteen hundred and seventy-six, is hereby further amended so as to read as follows:

Taxes to be a lien on real estate.

§ 8. Every tax or assessment for whatever purpose imposed or charged upon any real estate within the city, by virtue of any provision of this act, or for county or State taxes and assessments, shall be a lien upon the real estate so charged, respectively, for city taxes and assessments, from the date of the signing of the warrant for the collection thereof, and for county and State taxes and assessments from the date of the signing of the warrant for the collection thereof, for two years from the signing thereof, and if any tax or assessment, or any part thereof, for city or for county and State purposes, or for

either city or county and State purposes, shall be returned as unpaid by any officer authorized to collect the same, the common council of said city shall direct the city attorney to advertise and sell such real estate in the manner hereinafter provided. The attorney conducting such sales for the full performance of his duty therein shall be entitled to demand and have a fee of five dollars for each parcel of land so ordered to be sold, in case the proceedings shall be stopped before sale, and a fee of ten dollars for each parcel that shall be actually sold, and the remedy and proceedings herein provided to enforce the collection of such city and county and State taxes, shall apply to and may be used and pursued for the collection of all taxes and assessments, either for city or for county and State purposes, now due and owing from any source for city and also for county and State purposes.

Sale of real estate for taxes.

Attorney's fee.

§ 16. Section nine of title five of said act is hereby amended so as to read as follows:

§ 9. Before any such sale an order shall be made by the common council, which shall be entered at large in the records of the city, designating and directing the attorney to sell, and particularly describing the premises to be sold and the owner or agent thereof, so far as the same is known to the common council, and the assessment or taxes for which the sale is to be made, a copy of which order shall be delivered to the officer so designated, who shall forthwith advertise the sale of said premises in the manner and for the time required in the case of sales of real estate on execution, and the sale shall be conducted in the same manner, except as herein provided, and also that the expense of advertising shall in no case exceed the sum of ten dollars for each parcel ordered sold. The proceedings may be stopped at any time before sale by any person by paying the said officer his fee and the amount of the tax or assessment with the interest allowed thereon by this act, and the expense of advertising. All sales in such cases shall be made for the shortest period for which any person will take the premises and pay the amount of the tax or assessment, interest and expenses. Two certificates of the sale of each parcel of land so sold shall be made by said officer, one of which shall be delivered to the purchaser, and the other filed in the city chamberlain's office; such certificate shall contain a description of the property and the term for which it was sold, and state the particular tax or assessment, and the amount of the tax or assessment, interest and expenses for which the sale was made, and the time at which the right to redeem will expire.

Order to be made and recorded before sale is made.

What to contain.

Sale, how to to be advertised.

Proceedings, how stopped.

Sales, how to be made.

Certificates of sale.

§ 17. Section one of title seven of said act is hereby amended so as to read as follows:

§ 1. The recorder of said city shall possess all the powers and jurisdiction conferred by law upon recorders of cities, and shall also have and possess the same jurisdiction and powers possessed by a single justice of the peace or by two justices of the peace, in towns, except in civil actions. He shall have power to hear all complaints and to take all examinations in criminal cases; to hold courts of special sessions with all the powers and jurisdiction of such courts, as regulated by statute, to try, convict and sentence all persons who may be guilty of any offense triable by courts of special sessions; and except in case of his absence from the city or inability from sickness or other causes to act, his jurisdiction shall be exclusive of any justice of the peace or other officer of said city, except the mayor and judges of courts of record.

Recorder jurisdiction of.

§ 18. Section four of title seven of said act is hereby amended so as to read as follows:

Not to receive fees for his own benefit.

§ 4. The said recorder shall not be entitled to receive for his own benefit any fees for services performed under this act. All fines imposed and collected by him, except for violation of the excise laws and drunkenness, shall be paid by him to the chamberlain of said city once in every month; the recorder shall keep an account of all such fines, and a separate account of all the criminal business done by him, and said account shall show which items thereof are county charges and which are town charges. He shall receive an annual salary of fifteen hundred dollars, and be entitled to the use and occupation of a suitable room, to be furnished by the common council as provided by the second section of this title, which salary shall not be altered during his term of office, and shall be paid and allowed by the board of supervisors of the county of Dutchess, on presentation of his account as aforesaid, duly verified; and said salary shall be apportioned by said board of supervisors according to said account as town and county expenses; so much of said salary as shall be properly chargeable to the county shall be paid by the county, and the balance of said salary shall be paid by said city of Poughkeepsie, and said salary shall be raised and paid by the said board of supervisors as town and county charges are allowed and paid, and as herein provided.

Salary.

§ 19. Section six of title seven of said act is hereby amended so as to read as follows:

Police constables.

§ 6. The common council of said city shall, annually, as soon as practicable after the annual election, appoint two proper persons to be police constables for said city, who shall hold their office during the pleasure of the common council, by virtue of such appointment. The said police constables shall possess the power of serving all criminal or other process issued by the recorder or acting recorder or mayor, and of performing all acts in relation to criminal offenses which police officers or constables are authorized to perform, except that every constable of said city shall have power to arrest and bring before a proper officer for examination any person who may in the view or presence of such officer be guilty of any offense against any of the laws or statutes of the State. It shall be the duty of the said police constables to attend at the recorder's office, at all reasonable hours of the day, to obey at all times all process or directions of the mayor or recorder, duly issued or given for the preservation of the public peace and order, and to arrest whenever they shall be called upon or sent by the mayor, recorder or common council to keep the public peace, or to arrest any person charged with any offense. In any case of the continued absence or inability to act of both said constables, the mayor, recorder or acting recorder may designate any person by an appointment, in writing, to serve any process issued by either of such officers. Every person so appointed shall possess all the powers of a police constable under this act in relation to the particular process or service for which he is appointed, and which must be specified in such written appointment.

To attend at recorder's office.

General powers.

§ 20. Section seven of title seven of said act is hereby amended so as to read as follows:

Salary of police constables.

§ 7. The said police constables shall not be entitled to receive for their own use any fees for services performed by them in criminal cases, but each one shall receive the annual compensation of three hundred and fifty dollars, or such less sum as the common council shall prescribe, and in addition thereto the usual mileage in all cases in which he shall have traveled more than two miles to perform the

services. Each one of said officers shall keep a book, in which shall be entered all business done by him, and shall make out his account of all such business in cases of felonies against the county of Dutchess duly verified by him, which shall be audited, and shall annually, at the time of the presentation of claims against the county, make out an account of all charges made by him against the county for services rendered in cases of felonies, duly verified, and present the same to the board of supervisors of the county of Dutchess, which board shall audit and levy the same as other county charges, and hand the same over to its chamberlain as money belonging to the said city. The said salary of said police constables, and their mileage fees allowed by this section, shall be audited and paid as other charges against the said city out of the contingent fund thereof.

§ 21. Section eight of title seven of said act is hereby amended so as to read as follows:

§ 8. The common council are hereby authorized to appoint proper persons not to exceed sixteen in number, who shall serve and be known as police officers, and also a proper person who shall serve and be known as chief of police, each of whom shall hold office during the pleasure of the common council by virtue of such appointment. It shall be the duty of the persons so appointed to perform police duty by day or night under such regulations as the common council shall prescribe. They are hereby authorized to perform all acts in relation to criminal offenses which police officers are authorized to perform, and shall have power to arrest and bring before a proper officer for examination any person who may in their view or presence be guilty of any offense against any of the laws or statutes of the State, or ordinances of the common council of said city. The common council shall fix the compensation of each police officer, not to exceed two dollars per day. The chief of police shall possess such power and authority over the police force of said city as the common council thereof shall prescribe. He shall also peform such duties as shall be prescribed by the common council for the preservation of the public peace, the care of the public property and the maintenance of the police regulations and the municipal ordinances of said city. He shall receive such compensation for his services as shall be fixed by the common council, not to exceed the sum of eight hundred dollars in any one year.

Police officers.

Chief of police.

Powers of policemen.

Compensation of.

§ 22. The seventh title of said act is hereby amended by adding thereto the following sections.

§ 9. In addition to the persons described in section one, part one, title five, chapter twenty of the Revised Statutes, the following persons within the city of Poughkeepsie shall be deemed disorderly persons, and may be proceeded against as such, and punished according to the provisions of this act. Any person who, with intent to disturb the public peace, shall, in any public place, park, lane, alley or street, publicly use indecent, foul or profane words, or insulting or provoking language or outcries, or threats of unlawful violence, tending to breaches of the peace; or shall make an unusual noise or disturbance of the public peace and quiet; or shall recklessly and without necessity discharge or fire off fire-arms in the day or night time; or knowingly give a false alarm of fire; or shall alone or with others not using the public ways of said city to pass and repass, lounge and loiter about, standing on or occupying the sidewalks, or any public place in front of or along any premises or buildings, public or private, not owned or occupied by such person, or without any right in or about the approaches, passages, entrance,

Disorderly persons.

hall or stairways of any building, used for public assemblages or public resort, to the annoyance or impediment of persons lawfully passing and repassing, or of property-owners, and shall refuse, after direction of any officer or any citizen, owning, occupying or having charge of such premises or building, to pass along or disperse from said place or places, or shall, without lawful authority, disturb or interrupt any public meeting, school, concert, theatre or exhibition, or any public assemblage, or shall, being a licensed hackman, owner or driver of any hack or public carriage, within said city, knowingly violate any lawful regulation of the common council, relating to such persons or vehicles; or shall in any public place aforesaid maliciously throw stones or other missiles to the danger or injury of persons or property; or shall wantonly and maliciously injure any street or public gas-lamp, lamp-post, gas-pipe or main, or any city water-pipe, main, hydrant, or other works, or apparatus for the extinguishment of fire, and any person recklessly and without regard to the safety of others, driving any horse or horses attached to any vehicle or vehicles through any street, lane or public place in said city, at a greater rate of speed than six miles an hour.

Arrest of disorderly persons.

§ 10. The mayor, any alderman, and any police officer of said city shall have power, and are hereby authorized at any and all times to arrest and to cause to be arrested with process, or when such offense is committed in the presence of either of them, without process, any person or persons committing any offense, constituting disorderly conduct as defined in the last preceding section; and shall have power, with process, to enter any building or place within said city and arrest any such disorderly person or persons and shall take such person or persons after arrest before the recorder of said city, or in case of his absence or inability to act, before any justice of the peace of said city acting as recorder, for trial, and on conviction, such disorderly person may be required by said recorder, or acting recorder, to give sureties for good behavior as required by law, or, in the discretion of said recorder, or acting recorder, may be punished by fine or imprisonment in the Dutchess county jail or the Albany penitentiary, or by both such fine and imprisonment, but such fine shall in no case exceed twenty-five dollars, nor such imprisonment be for a longer term than six months.

Sureties for good behavior.

§ 23. Section one of title eleven of said act is hereby amended so as to read as follows:

Support of poor.

§ 1. The city of Poughkeepsie shall not hereafter be subjected to taxation for the support and maintenance of the poor of or in the towns of the county of Dutchess, nor shall the towns of the county of Dutchess be taxed or required to contribute for the support of the poor of or in the city of Poughkeepsie; but such city of Poughkeepsie, for all the purposes of supporting the poor within its limits, and carrying into effect the laws of the State for the support and relief of indigent persons, shall be a separate and distinct district, except as hereinafter provided.

§ 24. Section fifteen of title eleven of said act is hereby amended so as to read as follows:

City for certain purposes to be deemed a town.

§ 15. For all the purposes of the settlement of the poor, according to the provisions of the Revised Statutes, the city of Poughkeepsie shall be deemed a town in the county of Dutchess.

When to take effect.

§ 25. This act shall take effect immediately in all respects except so far as it relates to the compensation of officers, and in this respect it shall take effect upon the expiration of the term for which the present officers were elected or appointed.

CHAP. 78.

AN ACT to enable the trustees of villages in the county of Richmond to contract for a supply of water to such villages for fire and other public purposes, and to raise and expend money therefor.

PASSED March 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any village in the county of Richmond shall have the power and right, by and through their board of trustees, to enter into a contract for the purpose of supplying such village and the inhabitants thereof with water, and also for furnishing such number of hydrants and supplying the same with water, to be used in case of fire, as the trustees of such village may think proper. And any such contract which the trustees of any village may from time to time enter into shall be valid and binding upon such village. But no such contract shall be entered into for a longer period than five years, nor shall the trustees of any village in said county agree to pay annually, for all the above purposes, a sum greater than fifty cents per capita of the inhabitants of the village.

Any village may contract for a supply of water.

Limitation.

§ 2. The trustees of any village in said county may from time to time use and apply any money of the village raised by taxation, in payment of such sum as they have agreed to pay for the above purposes. And in case any such village has not sufficient money applicable for that purpose, the trustees may annually, if necessary, levy and collect such sum as will enable them to pay the amount agreed to be paid for the current year on such contract, in the same manner that other taxes are levied and collected.

Trustees may apply any money in payment, and may levy tax.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 79.

AN ACT to amend chapter one hundred and eight of the laws of eighteen hundred and sixty-six, entitled "An act to further amend the charter of the village of Cooperstown in the county of Otsego."

PASSED March 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-one of chapter one hundred and eight of the laws of eighteen hundred and sixty-six, entitled "An act to further amend the charter of the village of Cooperstown, in the county of Otsego," is hereby amended so as to read as follows:

Village made a separate road district.

§ 21. The said village of Cooperstown is hereby constituted a road district subject to be subdivided by the said trustees, and the same shall be exempt from the superintendence of the commissioners of highways of the town of Otsego; and the said trustees of the village of Cooperstown shall have all the powers over the said road district and discharge all the duties which by law are given to and enjoined upon, the said commissioners of highways; and it is hereby declared lawful for the trustees of said village of Cooperstown to appoint, under their hands and seal of office, an overseer of highways in each and every subdivision in said road district as shall be laid out by said trustees, which overseer shall have all the powers and discharge all the duties in their several districts or subdivisions which by law are given to, and enjoined upon, the overseers of highways, except that the said overseer shall not receive any moneys paid for commutation of highway taxes; and whenever a vacancy shall occur in said office of overseer, it shall be the duty of said trustees to fill the same by appointment in the manner aforesaid; and the said trustees may remove any overseer in said road district appointed by them, or by their predecessors in office. The overseers of highways thus appointed, unless removed as aforesaid, shall hold their office for one year, and shall be residents of said village. Any person or corporation assessed in said village of Cooperstown for highway labor may, within ten days after being notified by the said overseer of highways of the number of days the said person or corporation is assessed, commute for the same by paying to the treasurer of said village the amount thereof commuted at seventy-five cents for each day so assessed. If said tax is not paid within ten days after notice then the same may be charged by said trustees at one dollar per day, and all highway taxes assessed upon property, real and personal, shall be paid in money. Only poll or personal taxes of one day each can be paid in labor, and when required by the overseer to labor, two days' notice shall be given of the time and place at which the person is to appear and work. And it is further provided that the trustees of said village may sue in any court having jurisdiction and recover of any person or corporation neglecting or refusing to pay said tax as aforesaid, the amount of said tax, computing the same at the rate of one dollar for each day so assessed, together with the costs of the action, and no person shall be incompetent to sit as a juror on account of being a resident of said village.

Trustees to appoint overseer.

Vacancy, how filled.

Term of office.

Persons assessed may commute.

Rate if not paid in ten days.

Trustees may sue for tax.

CHAP. 80.

AN ACT to amend chapter three hundred and fifty-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine, entitled 'An act to equalize the State tax among the several counties in the State, and to amend chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-three, amendatory thereof.'"

PASSED March 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine, entitled "An act to equal-

ize the State tax among the several counties in the State," being a section added to said act by chapter three hundred and twenty-seven of the laws of eighteen hundred and seventy-three, and amended by chapter three hundred and fifty-one of the laws of eighteen hundred and seventy-four, is hereby amended so as to read as follows:

§ 15. Whenever any appeal so made shall not be sustained, the costs and expenses arising therefrom, and connected therewith, shall be a charge upon the town, city or ward so appealing, which shall be audited by the board of supervisors, and levied upon the taxable property of said town, city or ward; and whenever any appeal so made shall be sustained, the State assessors shall certify the reasonable costs and expenses arising therefrom and connected therewith, on the part of the appellant and respondent, and such amounts so certified shall be audited by the board of supervisors and levied and collected from all the towns and cities of the county in the assessment and collection of taxes for the current year, excepting those towns and cities in which such appeal was sustained; and whenever more than one town or city in a county shall have appealed, some of which are sustained and some dismissed, it shall be the duty of the State assessors to decide what portion of the costs and expenses shall be borne by the town or towns, city or cities, in which such appeal was dismissed.

Costs and expenses of appeal, how to be paid.

§ 2. Section five of said chapter three hundred and fifty-one of the laws of eighteen hundred and seventy-four is hereby amended so as to read as follows:

§ 5. All appeals that shall be hereafter brought under the provisions of the acts hereby amended shall be to the State assessors instead of the comptroller, and as to such and all appeals pending under said act upon the hearing of which the comptroller has not entered, the State assessors are vested with, and shall exercise, all the powers and discharge all the duties that by said act and the amendments thereof are vested in or imposed upon the comptroller, in lieu of said comptroller; and when any appeal shall hereafter be brought, a notice of such appeal shall be served on the State assessors by filing the same in the office of the secretary of State, within ten days after the final completion of the corrected assessment rolls by the board of supervisors, and such notice shall also be served on the chairman of said board of supervisors within the same time.

Appeals, how to be brought.

§ 3. The provisions of this act shall apply to all appeals pending and undetermined at the time of its passage.

§ 4. This act shall take effect immediately.

CHAP. 81.

AN ACT to amend chapter two hundred and fifty-eight of the laws of eighteen hundred and sixty-four, entitled "An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan."

PASSED March 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of title six of chapter two hundred and fifty-eight of the laws of eighteen hundred and sixty-four, entitled

"An act to amend and consolidate the several acts in relation to the charter of the village of Penn Yan," is hereby amended so as to read as follows:

Trustees to procure fire-engines, etc.

§ 7. The trustees shall procure fire-engines and other necessary and convenient apparatus for the prevention and extinguishment of fires, and provide safe and convenient places for keeping the same. They shall have power to organize fire companies, provide for maintaining them, and to appoint a competent number of able-bodied, respectable

To organize fire companies.

inhabitants of the village as firemen. The said companies shall have the care and management of the apparatus for extinguishing fires, under the rules provided by the fire department board, and under the

To make rules, etc.

control of the chief engineer and his assistants. The president of the village, chief engineer, assistant engineers and secretary of the fire department board shall have power to prescribe the duties of firemen, make rules and regulations for their government, and impose reason-

To purchase supplies.

able penalties for violations thereof. They shall also have power to purchase supplies, or construct additional apparatus, if they deem it necessary, for the use and convenience of the fire department only, provided the expense shall not exceed the sum of five hundred dollars

To levy tax.

per annum. The trustees are authorized and empowered to raise annually by tax, to be assessed upon the estates, real and personal, within the corporation, and collected from the owners thereof, whether such owners are residents of the corporation or not, a sum not to exceed five hundred dollars, which shall be turned over to the treasurer of the fire department. The fire department board shall examine and settle all accounts chargeable to the fire department under the provisions of

Chief engineer, powers and duties of.

this section. The chief engineer of the fire department shall have general charge and supervision of all engines, hydrants, hose, hose-carriages, engine-houses, water-tanks, and all fire-apparatus and property owned by the village for the use and convenience of the fire department, and shall have power to cause any of such apparatus or property to be repaired whenever he shall deem it necessary. He shall report to the fire department board, at each regular meeting, the nature and cost of such repairs, and shall have sole direction of the fire department while on duty, and be subject to no other officer. The

Assistant engineer.

assistant engineer shall be under the command of the chief when on duty, and in his absence the first assistant shall have command and all the powers and duties herein given to the chief, and in the absence of both the chief and first assistant, the second assistant shall assume

Secretary.

command with all the powers and duties of the chief. The secretary shall keep in writing, in a book kept for the purpose, a record of all meetings of the fire department board, and shall collect all moneys due the fire department, keep an accurate account of all receipts and expenditures, and shall not pay out any money except upon audits by the fire department board, signed by the president and countersigned

Books to be open for inspection.

by the chief engineer. The books and entries of the secretary shall be open for the inspection of any elector of the village at all reasonable hours, and all bills audited and paid by him shall be retained and filed as vouchers. He shall make a full report and exhibit to the fire department board at least thirty days before the annual election, and shall turn over to his successor all books, papers, vouchers and money

Meetings.

in his possession belonging to the fire department. The fire department board shall hold regular meetings on the second Monday of March, June, September and December, and special meetings whenever ordered by the chief engineer. A majority of the board shall constitute a quorum for the transaction of business.

§ 2. Section three of title seven of said act is hereby amended so as to read as follows:

§ 3. The board of trustees shall have power, by resolution, to authorize and require the fire wardens to enter all buildings and inclosures, at proper times, to ascertain whether their arrangement for fire or the preservation of ashes are dangerous, and to cause such as are dangerous to be put in a safe condition. The board of trustees shall also have power, by ordinance, from time to time, to prescribe limits, in said village, within which wooden buildings shall not be erected or placed without their permission, granted by the affirmative vote of all the members present at a regular meeting, and the written consent of those who may not be present, and to direct that all buildings within the limits prescribed shall be constructed of stone or brick, or concrete, with stone, brick or concrete partition walls, fire-proof roofs, and brick, stone or iron cornices and eave troughs, and to regulate the construction of chimneys, under such penalties as may be prescribed, not exceeding one hundred dollars for any one offense, and the further sum of twenty-five dollars for each and every week any building so prohibited shall be continued. And every building erected or placed contrary to such ordinance is hereby declared to be a common nuisance, and may be abated as such. They shall have power, by ordinance, to compel the sweeping and cleaning of chimneys, flues, stove-pipes, and all other conductors of smoke; to prevent a dangerous construction or condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants of said village to provide fire buckets, and to regulate the use of them in case of fire; to prevent the use of fire-works and fire-arms in said village; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs and ladders leading to the same, and to remove, or cause to be removed, all wooden awnings or verandas to or in front of buildings within the limits which they shall prescribe, and to prevent further building or erecting the same; and generally to establish and prescribe such regulations for the prevention and extinguishment of fires as they may deem expedient.

Powers of board of trustees.

Fire limits.

Certain buildings to be nuisances.

Trustees may compel sweeping of chimneys, etc.

§ 3. This act shall take effect immediately.

CHAP. 82.

AN ACT to regulate the location of future burial grounds or cemeteries within the city of Buffalo.

PASSED March 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No burial ground or cemetery shall hereafter be laid out or located within the city of Buffalo at a less distance than one hundred feet from the line of any highway or street contiguous to it, or any part or portion of it; excepting, however, from this restriction, the necessary carriage-ways or approaches to such burial ground or cemetery.

§ 2. This act shall not be construed to affect existing cemeteries and their right to enlarge or alter their present boundaries.

§ 3. This act shall take effect immediately.

CHAP. 83.

AN ACT to authorize and empower the State board of audit to adjust and settle certain differences existing between the State and the county of Monroe.

PASSED March 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State board of audit is hereby authorized and empowered to adjust and settle the differences existing between the State and the county of Monroe, growing out of the canal and general fund deficiency tax of eighteen hundred and seventy-two, collected by George N. Deming, late treasurer of Monroe county, in said county, upon such terms as shall, in their judgment, be just and equitable.

§ 2. This act shall take effect immediately.

CHAP. 84.

AN ACT to enable the Forsyth Street Methodist Episcopal Church to transfer its real estate to trustees.

PASSED March 30, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Forsyth Street Methodist Episcopal Church in the city of New York is hereby authorized and empowered to assign and convey its real estate, situate on the easterly side of Forsyth street, between Canal and Division streets, in said city of New York, to Edmund Anderson, Elisha Seely, Richard Friend, Matthew Ellis and five other persons to be elected by the New York East Conference of the Methodist Episcopal Church at its next annual session, which nine persons so named and to be elected and their successors are hereby authorized to take and hold the same in trust for the purposes of a Methodist Episcopal church and for evangelizing the masses in the lower portion of said city, and to manage and control the same, and to sell or mortgage the same with the consent of said conference and not otherwise, and apply the proceeds as said conference shall direct.

Church may convey its real estate. Grantees. Object for which property is to be held.

§ 2. Said nine trustees shall, as soon as possible after such election by the conference, divide themselves by lot into three classes of three persons each; the term of service of the first class shall expire one year from such election; the term of service of the second class shall expire in two years, and of the third class in three years therefrom, and the successors of each class shall be elected by said conference at its annual session in the year in which the term of such class shall expire, to hold

Trustees to be classified. Term of service of.

office for three years; provided that the trustees who are or shall be individually responsible as obligors or guarantors on any mortgage bond heretofore or hereafter given for the benefit of said Forsyth Street Methodist Episcopal Church property shall not cease to be such trustees, but shall be re-elected by said annual conference at every election held as aforesaid, so long as such individual liability may continue; and it shall be the duty of the quarterly conference of said Forsyth Street Methodist Episcopal Church at its last session before the annual conference is held to nominate by ballot not less than six persons, whose names shall be presented to the annual conference, and from among whom the annual conference may select such trustees. Proviso.

§ 3. Nothing in this act contained shall in any manner affect any action or legal proceeding now pending in any court.

§ 4. This act shall take effect immediately.

CHAP. 85.

AN ACT supplemental to chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," and the amendments made thereto.

PASSED March 31, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any three or more persons may organize and form themselves into a corporation in the manner specified and required in and by the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, and the amendments thereof and supplements thereto, for the purpose of accumulating, storing, conducting, selling, furnishing and supplying water for mining, domestic, manufacturing, municipal and agricultural purposes, and may acquire, take, hold, lease and convey lands and water power suitable for those purposes. Number of corporators. Object and purpose.

§ 2. Every corporation so formed and the stockholders thereof shall be subject to all the provisions, duties and obligations contained in the above-mentioned act, and shall be entitled to all the benefits and privileges thereby conferred, except that such corporations shall not be confined in their operations to the county in which their certificate shall be filed. General duties and obligations.

§ 3. It shall and may be lawful for any corporation heretofore incorporated for mining purposes, under the act mentioned in the first section of this act, to conduct the business for which the formation of corporations is authorized by said first section; provided the intention so to do shall be specified among the objects for which such corporation is formed in its certificate of incorporation. When existing corporations may conduct business mentioned in first section.

§ 4. It shall and may be lawful for any corporation heretofore incorporated for mining purposes, under chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," or under any amendment of or supplement to Existing corporations may file certificate under this act, etc.

§ 2. This act shall not be construed to affect existing cemeteries and their right to enlarge or alter their present boundaries.

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Church may convey its real estate. Grantees. Object for which property is to be held.

§ 2. Said nine trustees shall, as soon as possible after such election by the conference, divide themselves by lot into three classes of three persons each; the term of service of the first class shall expire one year from such election; the term of service of the second class shall expire in two years, and of the third class in three years therefrom, and the successors of each class shall be elected by said conference at its annual session in the year in which the term of such class shall expire, to hold

Trustees to be classified. Term of service of.

office for three years; provided that the trustees who are or shall be individually responsible as obligors or guarantors on any mortgage bond heretofore or hereafter given for the benefit of said Forsyth Street Methodist Episcopal Church property shall not cease to be such trustees, but shall be re-elected by said annual conference at every election held as aforesaid, so long as such individual liability may continue; and it shall be the duty of the quarterly conference of said Forsyth Street Methodist Episcopal Church at its last session before the annual conference is held to nominate by ballot not less than six persons, whose names shall be presented to the annual conference, and from among whom the annual conference may select such trustees. Proviso.

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SECTION 1. Any three or more persons may organize and form themselves into a corporation in the manner specified and required in and by the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, and the amendments thereof and supplements thereto, for the purpose of accumulating, storing, conducting, selling, furnishing and supplying water for mining, domestic, manufacturing, municipal and agricultural purposes, and may acquire, take, hold, lease and convey lands and water power suitable for those purposes. Number of corporators. Object and purpose.

§ 2. Every corporation so formed and the stockholders thereof shall be subject to all the provisions, duties and obligations contained in the above-mentioned act, and shall be entitled to all the benefits and privileges thereby conferred, except that such corporations shall not be confined in their operations to the county in which their certificate shall be filed. General duties and obligations.

§ 3. It shall and may be lawful for any corporation heretofore incorporated for mining purposes, under the act mentioned in the first section of this act, to conduct the business for which the formation of corporations is authorized by said first section; provided the intention so to do shall be specified among the objects for which such corporation is formed in its certificate of incorporation. When existing corporations may conduct business mentioned in first section.

§ 4. It shall and may be lawful for any corporation heretofore incorporated for mining purposes, under chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," or under any amendment of or supplement to Existing corporations may file certificate under this act, etc.

the said acts, to conduct the business for which the formation of corporations is authorized by this act; provided a certificate signed and acknowledged by a majority of the trustees of the said corporation shall be filed in the office of the clerk of the county where the original certificate of incorporation was filed, and a certified copy thereof in the office of the secretary of State, stating that the said corporation intends to avail itself of the provisions of this act, and to carry on the business provided for in this act in addition to the business specified in the said original certificate of incorporation.

Limitation.

§ 5. No corporation shall be formed under this act for the purpose of accumulating, storing, conducting, selling, furnishing and supplying water for domestic or municipal purposes in the cities of New York, Buffalo, Rochester and Kingston, or either of them.

§ 6. This act shall take effect immediately.

CHAP. 86.

AN ACT to amend chapter eight of part first of the Revised Statutes, entitled "Of the duties of the executive officers of the State, and of various matters connected with their respective departments."

PASSED March 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of title one of chapter eight of part first of the Revised Statutes, entitled "Of the duties of the executive officers of the State, and of various matters connected with their respective departments," is hereby amended so as to read as follows:

Privy seal, custody of.

§ 4. The governor shall have the custody of the privy seal, of which description in writing has been deposited and recorded in the secretary's office, and which shall be and continue the privy seal of this State.

§ 2. Section one of title two of said chapter is hereby amended so as to read as follows:

§ 1. The secretary of State shall have the custody of all the books, records, deeds, parchments, maps and papers now deposited, or that may hereafter be deposited or kept in his office, and shall, from time to time, make such provision for the arrangement and preservation thereof as he may deem necessary, and shall also have the custody of the great seal, of which description in writing has been deposited and recorded in the secretary's office, and which shall be and continue the great seal of this State.

Great seal, etc., custody of.

§ 2.* This act shall take effect immediately.

*So in original.

CHAP. 87.

AN ACT to authorize the Knickerbocker Casualty Insurance Company of New York to change the name thereof to "The Fidelity and Casualty Company of New York."

PASSED March 31, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of directors of the Knickerbocker Casualty Insurance Company of New York is hereby authorized to change the name of said insurance company to "The Fidelity and Casualty Company of New York," by passing a resolution to that effect, and by filing a copy of the same, duly certified, with the superintendent of the insurance department, with the clerk of the city and county of New York, and with the secretary of State. Board of directors may change corporate name.

§ 2. This act shall take effect immediately.

CHAP. 88.

AN ACT to amend section one of chapter one hundred and sixteen of the laws of eighteen hundred and sixty-two, entitled "An act to appoint a trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district number four, in the town of Greene, Chenango county."

PASSED April 1, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and sixteen of the laws of eighteen hundred and sixty-two, entitled "An act to appoint a trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district number four, in the town of Greene, Chenango county," is hereby amended so as to read as follows:

§ 1. Robert P. Barnard, of the town of Greene, in the county of Chenango, is hereby appointed as a trustee, with power to have, demand and receive of and from the legal representatives of the estate of Levi Farr, late of said town, now deceased, the legacy bequeathed in the will of said Levi Farr, to the superintendent of common schools for the town of Greene for the time being, and to his successors in office forever, and for the use and benefit of school district number four of said town, and to invest the same when received in a mortgage or mortgages on unincumbered real estate, worth at least twice the amount loaned (exclusive of buildings or other improvements). The principal of said mortgage or mortgages to be payable Trustee appointed. Powers and duties of.

Mortgages, when to be payable.

at such time or times as said trustee may determine, but the interest to be made payable annually at the legal rate; said mortgage or mortgages to be accompanied by the bond or bonds of the mortgagors, and to be drawn in the name of "The trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district number four, in the town of Greene, Chenango county," as the mortgagee.

CHAP. 89.

AN ACT to extend the time for making assessments and correcting assessments for taxes in the city of New York.

PASSED April 1, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Assessments legalized.

SECTION 1. Any assessments made by direction of the commissioners of taxes and assessments for the year eighteen hundred and eighty, in the city of New York, authorized by any law of this State shall be as valid, if made on or before the eighth day of May, eighteen hundred and eighty, as if they had been made on or before the second Monday in January; and any person against whom an assessment may be made, under the provisions of this act, shall have the right to apply for a correction of his assessment at any time prior to the twenty-ninth day of May, eighteen hundred and eighty, and the said commissioners are hereby invested with power to receive such application and to make the corrections.

Persons assessed may apply for correction.

§ 2. This act shall take effect immediately.

CHAP. 90.

AN ACT to authorize the police department or board of police of any city to appoint policemen of district telegraph companies.

PASSED April 2, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Policemen may be appointed for district telegraph companies.

SECTION 1. The police department or board of police of any city is hereby authorized, in addition to the police force now authorized by law, to appoint a number of persons, not exceeding two hundred, who may be designated by any company which may be operating a system of signaling by telegraph to a central office for police assistance, to act as special patrolman in connection with such telegraphic system.

Powers of.

And the persons so appointed shall, in and about such service, have all the powers possessed by the members of the regular force, except as may be limited by and subject to the supervision and control of the police department or board of police of said city.

Qualifications of.

§ 2. No person shall be appointed as a special patrolman under this act, who does not possess the qualifications which may be required by such police department or board of police for said special service; and the persons so appointed shall be subject, in case of emergency, to do

duty as a part of the regular police force of such city. The police department or board of police shall have power to revoke any such appointment or appointments at any time, and every person so appointed shall wear a badge and uniform, to be furnished by such company and approved by the police department or board of police. Such uniform shall be designated at the time of the first appointment under this act, and shall be the permanent uniform to be worn by said special police. Revocation of appointment.

§ 3. The pay of such special patrolmen and all expenses connected with their service shall be wholly paid by such company or companies, and no expense or liability shall at any time be incurred or paid by the police department or board of police of any city for, or by reason of, the services of the persons so as aforesaid appointed. Pay and expenses to be borne by company.

§ 4. This act shall take effect immediately.

CHAP. 91.

AN ACT to enforce collection of the taxes levied in the county of Oneida.

PASSED April 2, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the county treasurer of the county of Oneida to transmit to the comptroller any amount of unpaid taxes assessed upon corporations, or upon lands of non-residents, or of unknown owners in said county, or any treasurer's or collector's affidavit in relation thereto. Nor shall the comptroller credit the said county treasurer with any unpaid taxes on lands or corporations, whether assessed to residents or as non-resident land, but the whole amount of any State tax unpaid on property in the said county shall be paid by the county treasurer to the treasurer of the State, on or before the first day of May, after the same shall have been assessed upon the real and personal estate of the said county. County treasurer to transmit to Comptroller unpaid taxes.

§ 2. If there are not sufficient funds then in the county treasury, unappropriated, to pay such State tax, the county treasurer shall make provision for the payment of the same by temporary loans upon the credit of the county, and charge the same to the cities and towns in such amounts as they may respectively be deficient. Temporary loans to pay state tax.

§ 3. The county treasurer shall examine the accounts of arrears of taxes received from the collectors of the several towns and wards, and shall reject all taxes on lands that shall be imperfectly described, and all taxes so erroneously assessed in form or in substance that the collection of the same cannot be enforced; and shall, within twenty days, deliver a transcript thereof to the supervisors of the several towns and wards in which the property so rejected shall be located, and said supervisors shall, within sixty days thereafter, cause a correct description of the lands so imperfectly described to be made and returned to said treasurer. Tax on lands improperly described to be rejected.

§ 4. No commission shall be allowed by the county treasurer upon taxes returned to him uncollected by the collectors in the several towns and wards, but such treasurer may add five per cent to the amount thereof to be retained by him as compensation for services imposed by this act. Compensation of treasurer.

When lands to be sold for taxes.

§ 5. Whenever any tax charged on real estate returned to the county treasurer, and the interest at the rate of twelve per cent per annum to be computed from the first day of March, when such tax was payable, together with the fees thereon, shall remain unpaid for four months succeeding the said first of March, the county treasurer shall proceed to advertise and sell such real estate in the manner herein provided for the payment of such tax, fees, and interest, and the expenses of procuring description, publishing notices, and of conducting the sale, which shall be a charge on the lands sold, and shall be added to the other charges thereon. Should any errors be discovered in the description of the land so assessed and taxed, the said treasurer may correct the same at any time previous to the sale. In the event that the same land shall be twice assessed and taxed, and the taxes thereon once paid, the treasurer shall return one of such amounts to the board of supervisors who shall provide for the deficiency arising therefrom.

Errors in description to be corrected.

Sale when and how to be advertised.

§ 6. The said county treasurer shall, immediately after the expiration of the aforesaid four months, cause to be published, twice each week in the daily newspapers of the city of Utica, and in two weekly papers in the city of Rome, for six weeks, a list or statement of the real estate charged with such tax, fees and interest, and so liable to be sold; and, also, a notice that the said real estate will, on a day at the expiration of said six weeks to be specified in such notice, and the succeeding days, be sold at public auction at the court-houses in said county to discharge the taxes, fees, interest and expenses aforesaid which may be due thereon at the time of sale. The sale of such lands so assessed in the towns Annsville, Ava, Camden, Florence, Floyd, Lee, Vernon, Verona, Vienna, Western, Westmoreland and the city of Rome shall be held at the court-house at the city of Rome; and the sale of all such lands for the residue of the county shall be held at the court-house in the city of Utica. On the day mentioned in the said notice, the county treasurer shall commence the sale of such real estate and he shall continue the sale from day to day until such parcels shall be disposed of. In case no bid to the extent of the tax and charges thereon shall be received for any piece or lot of land so offered, the said treasurer may purchase the same for, and in behalf of, the county of Oneida, and he may subsequently transfer the certificate of the same to any person who will pay the amount chargeable thereon.

Where to be sold.

If no bid is made treasurer to purchase for county.

Bids when to be paid.

§ 7. The purchasers at such sale shall pay the amounts of their respective bids to the county treasurer within forty-eight hours after the sale; and after such payment shall have been made, the said treasurer shall give to the purchaser of any such real estate a certificate describing the real estate purchased, and the sum paid, and such purchaser or his legal representatives or assigns may, immediately upon receiving said certificate, by virtue thereof, and of this act, lawfully possess, hold, and enjoy for his and their own proper use, and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless redeemed as hereinafter provided; and he may, at any time after the time limited in the eighth section of this act for the redemption of such premises shall have expired, and said premises shall not have been redeemed as therein provided, cause the occupant of such real estate to be removed therefrom, and the possession thereof to be delivered to him in the same manner and by the same proceedings, by and before the same officers, as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

Certificate of sale.

Rights of purchaser.

§ 8. The owner of, or any person interested in, any real estate sold for taxes as aforesaid may redeem the same at any time within one year after the last day of such sale, by paying to the said county treasurer, for the use of the purchaser, his heirs and assigns, the sum mentioned in his certificate, and the interest thereon at the rate of twelve per cent per annum, to be computed from the date of such certificate. Redemption.

§ 9. If such real estate sold for taxes, or any portion thereof, be not redeemed as herein provided, the said treasurer shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee. The said treasurer shall be entitled to demand and receive from the purchaser one dollar for preparing such conveyance. Deed, when to be executed.

§ 10. Every such conveyance shall be executed by the treasurer of said county of Oneida under his hand and seal, and the execution thereof shall be acknowledged before a proper officer in the same manner as other conveyances of real estate are executed and acknowledged under the laws of the State, and such conveyance shall be presumptive evidence that the sale was regular, and, also, presumptive evidence that all the previous proceedings were regular according to the provisions of this act. How executed and effect of.

§ 11. Whenever any purchaser, under such sale, shall be unable to recover possession of the real estate sold to him, by reason of any error or irregularity in the assessment of any person or property, or in the levying of a tax, or in any proceedings for the collection of any tax the board of supervisors of said county shall reimburse the purchase-money and expenses so paid with interest, the same to be presented and audited as other county charges, and by them to be charged to and levied upon the cities or the town where the irregularity arises. When purchase money to be reimbursed to purchaser.

§ 12. All powers which are conferred upon the comptroller of this State in relation to the cancellation of a tax which shall have been paid to a collector; the repayment of any tax paid more than once; the payment of a part of the tax on land by any person claiming a part of such land; the redemption of land sold for taxes by persons claiming an undivided share, or a specified part thereof; the effect of such redemption, reducing the land to be conveyed; the effect of any such sale of land for taxes upon the lien of any mortgage thereon; the right of a mortgagee to redeem; the consequence of neglect to do so after notice, and the lien of the mortgagee for the amount paid on such redemption; the authority to withhold conveyances when it shall be discovered that any sale of land for taxes was ineffectual to convey a title, and to refund the purchase-money and interest to the purchaser are hereby conferred, so far as relates to the county of Oneida, upon the treasurer thereof. Powers conferred on county treasurer.

§ 13. In every case where the collectors of the towns and wards in said county shall have been discharged from liability on account of any uncollected taxes returned by them to the said treasurer, the county treasurer may maintain an action for the recovery of the amount so remaining unpaid and uncollected, with interest at the rate of twelve per centum per annum to be computed from the first day of March, when the said tax was payable, in his name of office, against the person, firm, or corporation liable for such tax, or the representative of such person, firm, or corporation, in any court of competent jurisdiction, in which the proceedings, costs, judgments and executions shall be the same, and with like effect, as in actions between other public officers and individuals; and the amount collected shall be applied in the same Action to recover tax in certain cases.

manner as if paid to the county treasurer by the collectors of said towns and wards. Nothing in this section contained shall be construed to repeal or abridge any powers now had by officers for the collection of taxes in said towns and wards.

§ 14. All acts and parts of acts inconsistent or in conflict with this act, so far as the same do conflict, and relating to the county of Oneida, are hereby repealed.

When act to take effect.

§ 15. This act shall take effect immediately, in all respects, except so far as it relates to the compensation of the county treasurer, and in this respect it shall take effect upon the expiration of the term for which the present county treasurer is elected.

CHAP. 92.

AN ACT in relation to the common lands of the town of Gravesend.

PASSED April 2, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Control of common lands to vest in trustees.

SECTION 1. The care, management and control of the common lands of the town of Gravesend shall be vested in five trustees to be elected at the next annual town meeting in said town, or in case this act shall not take effect at least three days before such annual town meeting, then at a special town meeting to be holden on the fourth Tuesday of May next. And until such election no leases or grants of such common lands shall be made on the part of the said town. One of the trustees so elected shall hold office for one year, one for two years, one for three years, one for four years and one for five years, and at each annual town meeting thereafter one trustee shall be elected for the term of five years in the place of the trustee whose term of office will first expire. Within five days after the election of said trustees as hereinbefore provided, the town clerk of said town shall notify each trustee of his election, and invite each to meet at a specified day and hour not less than five days nor more than ten days from the time of giving such notice at the office of the town clerk of said town, at which time the said trustees shall, by lot, determine their respective terms of office in such way as a majority of them may agree. Any vacancy occurring in the office of trustee by resignation, death, removal from the town or otherwise, shall be filled by the supervisor and justices of the peace of said town, or by a majority of them, until the next annual election. During a vacancy the trustees remaining shall constitute the board, and their acts shall be valid and binding as if no vacancy existed. Before entering upon the duties of his office, each of the trustees shall take and subscribe the oath of office before the town clerk of said town and file the same in the office of said clerk. The persons so elected or appointed and qualifying shall be trustees as aforesaid and vested with the powers and duties herein provided. Such trustees shall have power to institute, in the name of the town, all such actions or proceedings as they may deem necessary or proper to recover, preserve or protect any real property belonging to the said town, or in which it may have or claim an interest (or the rents and proceeds thereof), and to defend in the name of the town any actions

Term of office of trustees.

Town clerk to notify trustees of their election, etc.

Vacancy, how filled.

Official oath.

Powers and duties of trustees.

or proceedings brought, or that may be brought, for the taking or recovery or appropriation of said property, or any part thereof, or any interest therein. The said trustees shall also have sole charge and control of the renting or leasing of such lands and the buildings thereon, and the collection of the rents thereof, and may make leases thereof for a term not exceeding ten years, but shall make no leases until within one year before the expiration of the previous lease of the same property. Leases shall only be granted upon an order of the supreme court obtained as follows: The trustees, upon receiving an application for a lease, if they shall deem it advisable to grant the same, shall apply to the supreme court, at any special term thereof to be holden in the second judicial district, for an order allowing such lease to be granted, and shall publish a notice containing the number of the lot upon the map of such common lands and the rent proposed to be paid, with the time and place of such application for at least three weeks previous to the presentation thereof, in two newspapers published in Kings county, and any citizen of the town or person claiming an interest in such lands may appear and show cause against the granting of such application. If the court, upon the hearing of such application, shall deem the proceedings just and fair and the proposed lease beneficial to the town, he shall make an order allowing the granting thereof; and the order with the papers on which the same shall have been granted shall be filed in the office of the county clerk of Kings county. They may employ an agent at a compensation to be fixed by them (not exceeding one thousand dollars per year) and paid out of the rents collected, and shall themselves receive one hundred dollars per year each as compensation for their services as trustees. Out of the rents so collected they shall retain so much as may be necessary for expenses or improvements upon or relating to the property, including such maps and surveys as may be necessary, and for legal expenses, and shall pay over the balance to the town treasurer, to be applied to the legitimate public uses of the town, and take his receipt therefor within one week after the receipt thereof. They shall be entitled to the custody and control of all leases, agreements, books, papers and documents, except records in the town clerk's office, in relation to such common lands and the leasing thereof and the accounts of moneys received and disbursed in relation thereto, including all books, papers and accounts in the possession or under the control of any persons received or kept by them as agents or officers of the town of Gravesend in relation to such common lands; and such persons shall deliver the same to them upon demand, and may be compelled to do so in the same manner as if they had been public officers and the trustees hereby appointed were their successors. They shall keep an accurate record of their proceedings in a book of minutes, and an accurate account of all moneys received and paid out, and shall file such account annually in the first week of October of each year with the town clerk, and each of the said trustees shall sign the said account or shall make and sign a statement to be filed with said account, showing his objections thereto.

Leases, upon what terms and how granted.

Agent.

Rents, how to be disposed of.

Custody and control of leases.

Record of proceedings.

§ 2. The said trustees when elected or appointed shall constitute a board, and may adopt such by-laws for the regulation of their proceedings as they may deem proper. They shall annually at a regular meeting elect, by ballot, from their number a president, secretary and treasurer. The president, secretary and treasurer shall each receive a salary of one hundred and fifty dollars per year in addition to their salaries as trustees, to be paid by the board out of moneys collected;

Trustees to constitute board and to make by-laws, etc.

Salaries.

and the treasurer shall give security as may be required by the board for the faithful performance of his duties and the payment, as directed by the board, of all moneys received by him.

Not to have power to sell lands without leave of court.

§ 3. The said trustees shall not have power to sell or give title to any lands of the town of Gravesend, or to release or discharge any title or claim of said town thereto, but they may receive any proposition in writing for the purchase or release of the title or claim of the town, and consider the same; and if they shall deem it for the interest of the town to accept the same, they may, by petition, apply to the supreme court for leave to sell or release the same upon the terms specified in the petition, and thereupon an order may be made to show cause, upon a day named, why the prayer of the petitioner should not be granted, and the same shall be published once a week for three months, in a newspaper to be designated by the court, and otherwise as the court may order, and any freeholder of the town or person claiming an interest in such land may come in and show cause against it. If, upon hearing all parties who shall appear, the court shall deem the proceedings in all respects just and fair, and the proposed sale and release desirable for the interests of the town and its inhabitants, it may make an order authorizing the trustees to sell, convey or release the right, title and interest of the town of Gravesend of, in and to the premises in question, and thereupon the trustees may receive the consideration and execute the conveyance or release accordingly; and, in case of any such sale, the moneys received therefrom shall be invested by the trustees for the benefit of the town upon security to be approved by the supreme court, and kept so invested, and the interest thereof only shall be expended; such interest when received shall be paid over to the town treasurer as hereinabove provided in relation to moneys received for rents.

Petition for leave to sell and proceedings thereupon.

Existing suits not to abate.

§ 4. Nothing herein contained shall abate any suit now pending relative to such common lands, but said trustees shall have the exclusive charge, management and control of said suit on the part of said town.

Not to affect action relating to common lands on Coney Island.

§ 5. Nothing contained in this act shall affect any action now pending relating to said common lands or Coney Island, or the right, title or claim of any person or persons, in and to any of said common lands or Coney Island or any part or parcel thereof, adverse to said town; and this act shall not be construed as defining or determining the rights of said town in and to said common lands or Coney Island, or any part thereof. All questions of ownership and rights and claims therein and thereto shall be determined and decided the same as if this act had not been passed.

§ 6. Nothing in this act contained shall in any wise affect any conveyance heretofore made by the "Commissioners of Public Lands" of said town of Gravesend.

§ 7. This act shall take effect immediately.

CHAP. 93.

AN ACT in relation to the overseers of the poor of the town of Hempstead, Queens county.

PASSED April 2, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Overseers of the poor.

SECTION 1. On and after the expiration of the term of office for which the present overseers of the poor of the town of Hempstead, Queens county, were elected, there shall be two overseers of the poor in said town, whose term of office shall be for one year and until their successors have been chosen and qualified according to law, entitling them to receive the books, papers and property belonging to the office. Such overseers of the poor shall be elected at the next annual town meeting to be held in said town for the election of town officers, after the passage of this act, and every year thereafter.

To be elected annually.

Official bonds.

§ 2. Each of the said overseers of the poor, before entering upon the duties of said office, shall give a bond, duly executed, to the supervisor of said town, in the penal sum of double the amount of all moneys likely to come into his hands during any one year of his term of office, with good and sufficient sureties; the said amount to be fixed by the supervisor and justices of the peace of said town, and the said bond shall be approved by the supervisor and justice of the peace of said town as to its form, manner of execution and the sufficiency of the sureties therein named, and duly filed in the office of the town clerk of said town before such overseer of the poor shall enter upon the execution of the duties of such office, or be entitled to receive any money connected therewith. And in case said overseers of the poor, or either of them, shall fail for the term of ten days after his election to give such bond, his or their office shall become vacant and be filled in manner as now provided by statute, and the person so appointed to fill such vacancy shall conform to the requirements of this act.

Effect of failure to give bonds.

Overseers to exhibit accounts to town board.

§ 3. The said overseers of the poor shall, at any and all times, when requested by the town board, composed of the supervisor, justices of the peace and town clerk, or a majority of said town board, exhibit their and each of their accounts and doings for examination and audit, and for any failure to comply with said request for ten days after being duly notified, his or their office may be declared to be vacant by said town board, and the vacancy filled as provided in section two of this act.

§ 4. All acts and parts of acts in any wise conflicting with the provision of this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 94.

AN ACT to amend section two of chapter nine hundred and seventeen of the laws of eighteen hundred and sixty-nine, entitled "An act authorizing the consolidation of certain railroad companies."

PASSED April 3, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter nine hundred and seventeen of the laws of eighteen hundred and sixty-nine, entitled "An act authorizing the consolidation of certain railroad companies," is hereby amended so as to read as follows:

§ 2. Said consolidation shall be made under the conditions, provisions and restrictions, and with the powers hereinafter in this act mentioned and contained, that is to say:

Directors may enter into joint agreement.

1. The directors of the companies proposing to consolidate may enter into a joint agreement, under the corporate seal of each company, for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of said companies into that of the new corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies or railroads. But in no case shall the capital stock of the company formed by such consolidation exceed the sum of the capital stock of the companies so consolidated, at the par value thereof. Nor shall any bonds or other evidences of debt be issued as a consideration for, or in connection with, such consolidation.

Amount of capital stock.

Agreement to be submitted to meeting of stockholders.

2. Said agreement shall be submitted to the stockholders of each of the said companies or corporations at a meeting thereof called separately for the purpose of taking the same into consideration; due notice of the time and place of holding said meeting, and the object thereof, shall be given by each company to its stockholders by written or printed notices addressed to each of the persons in whose names the capital stock of such company stands on the books thereof, and deliver to such persons respectively, or send to them by mail, when their post-office address is known to the company, at least thirty days before the time of holding such meeting, and also by a general notice published daily for at least four weeks in some newspaper printed in the city, town or county where such company has its principal office or place of business; and at the said meeting of stockholders the agreement of the said directors shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretaries of the respective companies, under the seal thereof, and the agreement so adopted, or a certified copy thereof, shall be filed in

Vote to be taken by ballot.

Two-third vote required.

the office of the secretary of State, and shall from thence be deemed and taken to be the agreement and act of consolidation of the said companies; and a copy of the said agreement and act of consolidation, duly certified by the secretary of State, under his official seal, shall be evidence in all courts and places of the existence of said new corporation, and that the foregoing provisions of this act have been fully observed and complied with. Certified copy to be evidence.

§ 2. This act shall take effect immediately.

CHAP. 95.

AN ACT to confirm and legalize the acts of Albert C. Frost, as notary public of the county of Schuyler, since March thirtieth, eighteen hundred and seventy-eight.

PASSED April 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All official acts of Albert C. Frost, of Watkins, Schuyler county, State of New York, done since the thirtieth day of March, eighteen hundred and seventy-eight, as notary public of said county of Schuyler, are hereby declared as valid and as of full effect as if the said Albert C. Frost had been a duly qualified notary public. But nothing in this act contained shall affect any suit or proceedings now pending in any court of this State. Official acts legalized.

§ 2. This act shall take effect immediately.

CHAP. 96.

AN ACT to provide for the improvement and care of private parks in the city of Rochester in this State.

PASSED April 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Rochester of this State shall annually, upon the written application of a majority of the owners of all the lots adjoining any private park, in said city within this State, owned or used in common by such owners, levy a tax upon all such lots for the purpose of defraying the expenses of making the ordinary repairs and improvements thereon, not exceeding, in any one year, ten dollars per lot. The tax shall be apportioned equally upon each of such lots, and shall be collected at the same time and in the same manner as the general city tax in said city. The amount of such tax when collected shall be paid by the city treasurer of said city to the person assigned in the application to receive it. Common council to levy tax on application of majority of owners.

§ 2. This act shall take effect immediately.

CHAP. 97.

AN ACT to authorize the completion * of a bridge over the Erie canal at York street in the city of Buffalo.

PASSED April 6, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of public works is hereby authorized to construct a bridge over the Erie canal at York street, in the city of Buffalo, of the kind and material as he shall deem best. The cost of said bridge to be paid from any money appropriated for ordinary or extraordinary repairs of canals.

§ 2. This act shall take effect immediately.

CHAP. 98.

AN ACT to amend chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes."

PASSED April 7, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter two hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled "An act for the incorporation of societies or clubs for certain lawful purposes," is hereby amended so as to read as follows:

Members may be elected trustees, etc.

§ 4. The society so incorporated may elect from its members its trustees, directors or managers; and the trustees, directors or managers so elected may divide the whole number of trustees, directors or managers into classes, so that not less than one-fourth of their number shall be elected annually, after the first organization of any board of

Elections.

such trustees, directors or managers. Such election may be held at such time and place and in such manner as may be specified in the by-laws; and such board shall have the control and management of the affairs and funds of said society, a majority of whom shall be a

Vacancies.

quorum for the transaction of business; and whenever any vacancy shall happen among such trustees, directors or managers, by death, resignation or neglect to serve, such vacancy shall be filled in such manner as shall be provided by the by-laws of such society. The

Number of trustees.

number of trustees, directors or managers in any corporation organized under this act may at any time be increased to not more than twenty or diminished to not less than five, as follows: The existing

Certificate as to number to be made and filed.

trustees, directors or managers of any such corporation, or a majority of them, shall make and sign a certificate declaring how many trustees, directors or managers the corporation shall thereafter have, and stating the names of such trustees, directors or managers for the present time, which certificate shall be acknowledged by the trustees, directors

* So in the original.

or managers signing the same, or proved by a subscribing witness, and shall be filed in the office of the clerk of the county where the original certificate of incorporation was filed, and a duplicate or transcript thereof, duly certified under the official seal of such clerk, shall be filed in the office of the secretary of state; and from and after the filing of such certificate and duplicate or transcript the trustees, directors or managers of such corporation shall be deemed increased or diminished to the number therein stated, and the persons so named therein shall be trustees, directors or managers until a new election thereof shall be had according to this act and the constitution, by-laws or regulations of such corporation. But no action of the trustees, directors or managers, changing the number of such trustees, directors or managers, shall be valid until ratified by a majority of the members of such corporation at a meeting called for that purpose.

Action to be ratified by majority of members.

§ 2. This act shall take effect immediately.

CHAP. 99.

AN ACT to amend sections seventeen and eighteen of article two, title nine, chapter nine, part one of the Revised Statutes, entitled "Of the canal commissioners and their general powers and duties."

PASSED April 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventeen of article two, title nine, chapter nine, part one of the Revised Statutes, entitled "Of the canal commissioners and their general powers and duties," is hereby amended so as to read as follows:

§ 17. Whenever, in the opinion of the superintendent of public works, it shall become necessary or expedient to reconstruct any bridge on a change of plan, or make any repairs or improvements on any completed canal such as the opening of new feeders, or the construction of additional locks, dams, embankments, tunnels or aqueducts, and whenever requested so to do by the superintendent of public works it shall be the duty of the State engineer and surveyor to cause the necessary surveys and levels to be taken, and accurate drafts, plans, models or maps as the case may require of the contemplated work, together with an estimate in minute detail of the probable expense to be incurred, and to submit the same to the canal board for their approbation.

When state engineer must cause surveys and levels to be made.

§ 2. Section eighteen of said article is hereby amended so as to read as follows:

§ 18. If such repairs or improvements shall be directed by the canal board or the legislature it shall be the duty of the superintendent of public works to proceed as soon as circumstances will permit to execute and complete the same, and for that purpose to take possession of and use all lands, waters or streams of which the occupation and use, in his judgment, may be necessary to enable him to discharge such duties.

When supt. of public works to make improvements.

CHAP. 100.

AN ACT to authorize the State comptroller to issue revenue bonds in anticipation of the State tax, for expenses of government.

PASSED April 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptroller to issue bonds in anticipation of state tax.

SECTION 1. The State comptroller is hereby empowered, from time to time, as may be required, to issue bonds in anticipation of the State tax, authorized to be levied for the current expenses of the government, which bonds shall be made payable on or before the fifteenth day of May next, following date of issue, and draw interest at the lowest rate obtainable by the comptroller.

Proceeds of, how to be applied.

§ 2. The proceeds of the bonds issued in pursuance of section one of this act shall be applied in payment of the current expenses of the government, and to no other object, and so much as is necessary of the taxes in anticipation of which said bonds are issued, when received into the State treasury, shall be applied exclusively to the payment of the principal and interest of said bonds.

Gross amount of bonds limited.

§ 3. The gross amount of the bonds issued, as hereinbefore provided for, shall at no time exceed fifty per centum of the amount of taxes authorized to be levied and collected for the current expenses of government for the fiscal year in which said bonds are issued, and the comptroller shall include in his annual report to the legislature a detailed statement of all bonds so issued.

Appropriation.

§ 4. The sum of two million dollars, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act.

§ 5. This act shall take effect immediately.

CHAP. 101.

AN ACT to repeal chapter four hundred and two of the laws of eighteen hundred and seventy-eight, entitled "An act to authorize the county clerk of Kings county to arrange, assort and repair all judgments, decrees, orders and other papers filed or deposited in Kings county clerk's office, and to record and certify mutilated or injured writings affecting the title to real estate in said county, and providing compensation for his services in that respect."

PASSED April 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chap. 402, laws of 1878 repealed.

SECTION 1. Chapter four hundred and two of the laws of eighteen hundred and seventy-eight, entitled "An act to authorize the county clerk of Kings county to arrange, assort and repair all judgments, decrees, orders and other papers filed or deposited in Kings county clerk's office, and to record and certify mutilated or injured writings affecting the title to real estate in said county, and providing compensa-

tion for his services in that respect," is hereby repealed. But the record of any mutilated or injured writing affecting the title to real estate in the county of Kings, recorded by the clerk thereof in the book of miscellaneous records in his office in pursuance of the act hereby repealed, certified by him to be a complete and perfect copy of the writing so recorded, shall for all purposes have the same force and effect as the original writing notwithstanding said repeal. Effect of repeal upon certain records.

§ 2. This act shall take effect immediately.

CHAP. 102.

AN ACT to amend chapter five hundred and eighty-nine of the laws of eighteen hundred and seventy-five, entitled "An act to extend the powers of the trustees of the village of Wilson, in the county of Niagara.

PASSED April 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision thirteen of section one of chapter five hundred and eighty-nine of the laws of eighteen hundred and seventy-five, entitled "An act to extend the powers of the trustees of the village of Wilson, in the county of Niagara," is hereby amended so as to read as follows:

13. The trustees shall, upon a petition duly signed by a majority of the property owners on the line of the proposed improvement, have power to make or order and direct the making of sidewalks in the streets, lanes or alleys of said village; and when they shall deem it for the best interests of said village said trustees shall have power to rebuild or repair or order and direct the rebuilding or repairing of any sidewalks in the streets, lanes or alleys of said village, and to compel the owners or occupants of lands or lots in front of and adjoining which a sidewalk now is, or heretofore has been made, or hereafter may be so ordered to be made or repaired as aforesaid, to make or repair such sidewalk in front of each lot or parcel of land respectively, and to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality or kind of such materials; and in case the owner or owners, occupant or occupants of any such land or lot shall neglect or refuse to complete the said required improvements within thirty days after written notice shall have been served by said trustees, then the said trustees may cause such improvement to be made or completed, and the expense thereof may be by them assessed on such owner or owners so neglecting or refusing, and against such land or lot, and be collected by warrant issued by the president and trustees as other taxes are directed to be collected out of the personal property of such owner or owners, occupant or occupants of any such land, lot or lots. The collector shall collect and receive such assessment within the time specified in said warrant, and shall pay the same into the hands of the treasurer without delay, and take receipt for the same and make return to the clerk of the amount collected and paid over to the treasurer and of the amount unpaid, and the amount returned "unpaid" that he cannot collect the same, the trustees are authorized and empowered to prosecute a

On petition of majority of property owners trustees may order improvements to be made.

When trustees may make improvement.

Duty of collector.

Suits to recover assessment.

civil action against the owner or owners of such estate in the corporate name of the village, and recover judgment for such assessment with interest thereon and all necessary costs and expenses of said action. Said trustees may cause a transcript of such judgment to be filed and said judgment docketed in the county clerk's office of the county of Niagara, and the same, however small the amount, shall thereupon become a judgment of the county court, and be a lien on all real estate of the judgment debtor situate in said county, and such real estate may be sold on execution issued to the sheriff of said county, if not collected out of the personal property of the debtor in the manner provided by law, and all the provisions of law in reference to sale and redemption of real estate on execution shall apply to sales and redemptions under this act.

Judgment to be a lien on real estate.

§ 2. This act shall take effect immediately.

CHAP. 103.

AN ACT to authorize the town of Flushing, in Queens county, to borrow money and issue bonds therefor, for the purpose of paying the indebtedness of said town.

PASSED April 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervisor may borrow to pay "Free Road Bonds," issued under chap. 790, laws of 1870.

When to be payable.

SECTION 1. It shall be lawful for the supervisor of the town of Flushing, in Queens county, to borrow, upon the faith and credit of the said town, such a sum of money, not exceeding the sum of fifty-four thousand five hundred dollars, as shall be necessary for the purpose of paying: First. The bonds known and distinguished as "Free Road Bonds," issued pursuant to chapter seven hundred and fourteen of the laws of eighteen hundred and seventy-one, and the amendments thereto; and, Second. The bonds now outstanding, issued pursuant to chapter seven hundred and ninety of the laws of eighteen hundred and seventy, and to execute therefor, under the seal of the said town, and the official signatures of the supervisor and the town clerk thereof, eighteen series of bonds, with interest coupons annexed, for the payment of the same, in equal annual installments of three thousand dollars, for seventeen years in succession, and three thousand five hundred dollars in the eighteenth year, at a rate of interest not exceeding six per centum per annum, and shall be issued and sold by the said supervisor of the town of Flushing at not less than par.

Board of supervisors to levy tax to pay bonds.

§ 2. The board of supervisors of the said county of Queens shall cause to be levied, collected and paid annually, by taxable inhabitants and property subject to taxation in said town of Flushing, in the same manner as other taxes in the same town are levied, collected and paid, such a sum as, over and above the expenses of collecting the same, will equal the interest of the said bonds due annually, and the principal of the same, as the same shall become due and payable. The moneys so collected shall be applied by the supervisor of the said town of Flushing to the payment of the principal and interest on the bonds issued under this act, as the same shall become due and payable respectively.

§ 3. The said supervisor of the said town of Flushing shall, from the amount of money so as aforesaid authorized to be raised, pay and discharge all the bonds known and distinguished as "Free Road Bonds," and all interest due thereon, issued pursuant to chapter seven hundred and fourteen of the laws of eighteen hundred and seventy-one, and the amendments thereto, and all bonds and the interest due thereon, issued pursuant to chapter seven hundred and ninety of the laws of eighteen hundred and seventy, and shall make no use of any part of said amount for any other purpose whatsoever, until the whole of the said bonds and interest, as aforesaid, are fully paid, satisfied and discharged.

Proceeds of bonds issued under this act, how to be applied.

CHAP. 104.

AN ACT to confirm the proceedings of the board of trustees of the village of Attica, relating to the sale and purchase of real estate.

PASSED April 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The proceedings of the board of trustees of the village of Attica, in the county of Wyoming, in conveying to Lyman Sanderson, Junior, the real estate in said village known as the "lock-up," and in receiving and accepting the conveyance from Coridon S. Thomson as assignee of Reuben H. Farnham and Francis E. Farnham of the land and real estate in said conveyance described, shall be held to be and said conveyances are in all respects as legal and valid as though said board of trustees were empowered by law to make such sale and acquire such real estate, and the trustees of said village are hereby authorized to levy and collect, in such way and manner as they may deem best, sufficient money to pay in full the costs of said lands and real estate so conveyed by said Thomson and Farnham as aforesaid.

Sale of "lock-up," etc., legalized.

Tax to pay for lands.

§ 2. The trustees of said village are hereby authorized to sell at private sale for cash the property purchased of C. S. Thomson, assignee, whenever a majority of the tax payers of said village voting at any annual election or special election called for such purpose shall vote in favor of selling said property, and the ballots to be used at such election shall be indorsed "for the sale of real property," or "against the sale of real property," and the said trustees, in case of sale of said afore-mentioned property, are authorized to purchase other property for the use of said village at an expense not exceeding the amount realized for the property so sold.

Trustees may sell real estate when authorized by vote of taxpayers.

§ 3. Whenever a sale shall be made of said property the deed thereof shall be signed and acknowledged by the trustees of said village and shall be executed in the name of "The Village of Attica."

Deed, how to be executed.

§ 4. This act shall take effect immediately.

CHAP. 105.

AN ACT to provide for the completion and opening for public travel of the New York and Brooklyn bridge, and to authorize the sale and conveyance of certain gores and pieces of land by the trustees thereof.

PASSED April 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City of New York to pay to trustees of bridge $750,000, and the city of Brooklyn $1,500,000.

SECTION 1. For the purpose of completing the bridge now in course of construction between the cities of New York and Brooklyn, acquiring the land necessary therefor, and fitting and equipping the same with the requisite structures and machinery for travel and transportation thereon, as the trustees of the said bridge may determine, the city of New York shall pay to the trustees of the New York and Brooklyn bridge the sum of seven hundred and fifty thousand dollars, and the city of Brooklyn shall pay to the said trustees the sum of one million five hundred thousand dollars, or so much of said sums respectively, in those relative proportions, that is to say, one part by the city of New York, and two parts by the city of Brooklyn, as the said trustees shall from time to time require, and call upon the said cities to pay, by request made by the said trustees, upon the mayor and comptroller of said cities, respectively; and it shall be the duty of the said comptrollers, respectively, and they are hereby authorized to borrow, from time to time, as shall be requisite, upon the faith and credit, and in the name of the mayor, aldermen and commonalty of the city of New York, and of the city of Brooklyn, respectively, the moneys necessary to pay to the said trustees the sums aforesaid, and to pay the interest to accrue until the said bridge shall be completed and ready for public travel, on the bonds to be issued therefor; and also the interest to accrue from and after the first day of January, eighteen hundred and eighty, until the said bridge shall be completed and ready for public travel as aforesaid, on the bonds issued by the said cities, respectively, under the provisions of chapter three hundred of the laws of eighteen hundred and seventy-five, and to issue the bonds of said cities, which bonds shall be signed by the mayors and comptrollers of said cities, respectively, for the moneys so to be borrowed, with interest at a rate not exceeding that allowed by law, and payable half yearly, and which bonds shall be redeemable in such time or times as said comptrollers shall respectively deem proper. And it is hereby expressly provided and declared that the money, by this section authorized to be raised and paid, together with the proceeds of the sales of lands, authorized by section two of this act is intended and shall be used fully to complete, fit up and equip the said bridge as a public highway between the said cities of New York and Brooklyn; the said moneys being the limit of the total amount authorized to be expended to fully and finally complete, fit up and equip the same.

Comptrollers to borrow money.

Bonds to be signed by the mayors and comptrollers.

Trustees may sell land not necessary for bridge purposes.

§ 2. The said trustees are authorized to sell, grant and convey any gores, pieces or parcels of land which shall have been acquired, or are held for the purposes of said bridge, or on account thereof, in the cities of New York and Brooklyn, and may be deemed by them un-

necessary for such purposes; and they shall dispose of the same at public sale, upon such terms as they may deem proper, and shall apply the proceeds thereof to the construction of the said bridge and the maintenance thereof.

§ 3. This act shall take effect immediately.

CHAP. 106.

AN ACT to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York.'"

PASSED April 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,'" is hereby repealed. Chap. 515, laws of 1879 repealed

§ 2. This act shall take effect immediately.

CHAP. 107.

AN ACT to exempt the towns of Guilford and Greene, Chenango county, from the provisions and operations of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties."

PASSED April 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The towns of Guilford and Greene, Chenango county, are hereby exempted from the provisions and operations of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State, and to prescribe their powers and duties." Towns exempted from town audit act.

§ 2. This act shall take effect immediately.

CHAP. 108.

AN ACT to amend section one thousand and thirty-nine of the Code of Civil Procedure.

PASSED April 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one thousand and thirty-nine of the "Code of Civil Procedure" is hereby amended so as to read as follows:

Clerk to destroy old ballots.

§ 1039. Before depositing the ballots the county clerk must destroy each ballot remaining in either of the boxes kept by him and containing the name of a resident of a town for which a new list has been transmitted. If for any reason the list from a town is not received by the county clerk by the first Monday of August, he shall give immediate notice thereof to the town clerk, and it must be transmitted as soon thereafter as practicable; and if after the same is received by the county clerk it has been or shall be lost or destroyed, he must forthwith give notice thereof to the town clerk, and a copy of the duplicate list on file in the town clerk's office, certified by him to be correct, or if that duplicate is also lost or destroyed, or cannot be found, a new list to be made forthwith as prescribed for making the original list, must be transmitted to the county clerk as soon thereafter as practicable; and the county clerk must prepare new ballots, and destroy the old ballots, containing the names of residents of that town immediately after the receipt by him of the list therefrom.

When notice to be given to town clerk.

Copy of jury list, when to be furnished by town clerk.

When new list to be made.

§ 2. This act shall take effect immediately.

CHAP. 109.

AN ACT to provide for the establishment of a union free school or schools within the corporate limits of the village of Cortland.

PASSED April 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

School districts consolidated.

SECTION 1. All school districts and parts of school districts lying within the corporate limits of the village of Cortland, in the county of Cortland, in this State, are hereby consolidated and incorporated into one school district, which shall be called "Cortland Union Free School District Number One" and shall not be altered, except by legislative enactment. The boundaries of said union free school district shall be the same as the boundaries of the village of Cortland.

Commissioners.

§ 2. James S. Squires, Edward D. Webb, James C. Carmichael, Frank Place, Jonathan L. Watrous, Hugh Duffey, William H. Clark, Benton B. Jones and John W. Suggett are hereby appointed commissioners of said Union Free School District Number One, and they

Corporate name.

and their successors, to be chosen as hereinafter provided, are hereby constituted a body corporate to be styled "The Board of Education of Cortland village," and are hereby invested with all the powers and charged with all the duties conferred upon them by this act. A

majority of the commissioners shall constitute a quorum. The board may adopt a common seal.

Commissioners to be classified.

§ 3. Said commissioners shall meet and organize within twenty days after the passage of this act, and shall divide themselves into three classes of three each, and it shall be determined by lot who shall belong to each. Those belonging to the first class shall hold office until the regular annual charter election of the village of Cortland in the year one thousand eight hundred and eighty-one; those of the second class until the regular annual charter election of said village in the year one thousand eight hundred and eighty-two; and those of the third class until the regular annual charter election of said village in the year one thousand eight hundred and eighty-three; and until their successors shall be elected and enter upon the duties of their office respectively.

Terms of office.

Election of commissioners.

§ 4. At the regular annual charter election of the village of Cortland in the year one thousand eight hundred and eighty-one, and annually thereafter, at the regular annual charter election, there shall be elected in the same manner as other village officers, three commissioners to fill the places of those whose terms of office then expire. The commissioners thus elected shall hold their respective offices for the term of three years, and until their successors shall be elected and enter upon the duties of their office respectively, and such commissioners may be re-elected.

Vacancies.

§ 5. The said board of education shall have power to fill all vacancies that may occur in their number from any other cause than the expiration of their term of office, and the person so appointed shall hold his office for the remainder of the term of office of the person in whose place he is appointed.

Official oath.

§ 6. The commissioners hereby appointed, and those hereafter elected or appointed, shall, before entering upon their duties, take and file with the clerk of Cortland county the usual constitutional oath of office. All the records and minutes of the board of education, or a copy thereof, duly certified by the secretary shall be evidence in all courts and places of the facts therein contained. It shall be a sufficient execution and authentication of any document, paper or instrument made by the board of education, in pursuance of this act, to have the same signed by the president and secretary thereof. The said commissioners hereby appointed shall, at their first meeting, choose one of their number president, and shall fix the time of the annual meeting of the board, and unless changed the time thus fixed shall be the time for future annual meetings. The board of education shall meet, for the transaction of business, as often as once in each month, and may adjourn for any shorter time. If the president is absent a president pro tempore may be appointed by the members of the board present. A president shall be chosen at the first meeting of the board after the regular annual charter election in each year. Any member of the board of education may resign by giving one month's notice to the secretary. Special meetings of the board may be called, as the board may determine, by resolution.

Record of minutes to be evidence.

President.

Meetings.

Resignations.

Secretary and treasurer.

§ 7. The board of education shall appoint a secretary and librarian who shall hold office at the pleasure of the board, and may be a member thereof. One person may hold both offices. The compensation of the secretary and librarian shall be fixed by the board.

Members not to receive salary.

§ 8. No member of the board of education shall receive any compensation or salary except as provided in section seven, or hereinafter expressly provided.

Estimate of expenses.

§ 9. It shall be the duty of the board of education, previous to the first day of February in each year, to estimate all the necessary expenses over and above the public moneys accruing to the said union free school district for the following purposes:

Powers of board of education.

1. To purchase, lease or improve sites for school-houses, or sites with buildings thereon.

2. To build, purchase, lease, enlarge, improve, remove, tear down, rebuild and repair school-houses, out-houses, fences or appurtenances, and to lease rooms for school purposes.

3. To purchase, exchange, improve and repair furniture, apparatus, and other necessaries for the use of said schools, including books for indigent pupils only.

4. To purchase fuel and pay teachers' wages; to defray the necessary expenses of keeping the school-houses in order, including insurance, expenses of library, salary of secretary, to pay all expenses incurred by law or necessary to carry into effect this act and to refund loans legally contracted and pay interest thereon.

Estimate to be transmitted to village trustees and included in tax levy.

§ 10. It shall be the duty of the board of education, after having made their estimates as above enumerated, for the current year, to transmit the same to the president and trustees of the village of Cortland, whose duty it shall be to incorporate the amount with the ordinary estimated corporation expenses of the village, and certify the same to the assessor of the corporation. Full power and authority to carry this and the next two sections into effect is hereby conferred upon the said president, trustees, assessor, and other corporate officers of said village.

§ 11. The additional amount so certified to the assessor shall be levied and collected at the same time and in the same manner and by the same officers as the other corporation expenses are levied and collected.

§ 12. The board of education may at any time in the year one thousand eight hundred and eighty, after the passage of this act, estimate all the necessary expenses immediately required for any or all the purposes mentioned in section nine of this act. The total amount of such estimate shall not exceed thirty-five hunndred dollars. The amount so estimated shall be transmitted to the president and trustees of said village, who shall immediately certify the same to said assessor. Said amount shall then be levied and collected in the year one thousand eight hundred and eighty at the same time and in the same manner and by the same officers as the sums directed to be raised at the annual charter election of said village held on the third Tuesday of March, in the year one thousand eight hundred and eighty, for the ordinary and other expenses of said village.

Amount of estimate limited.

General powers of board of education.

§ 13. The board of education shall have all the powers mentioned in section thirteen of title nine of chapter five hundred and fifty-five of the laws of one thousand eight hundred and sixty-four, as amended by section seventeen of chapter six hundred and forty-seven of the laws of one thousand eight hundred and sixty-five, and in addition thereto shall have the power to purchase or lease school-houses or sites for school-houses and improve the same; to build, purchase, enlarge, improve, remove, tear down, rebuild and repair school-houses, out-houses, fences or appurtenances as they may deem necessary; to purchase books for indigent pupils only; to make loans when necessary, not exceeding thirty-five hundred dollars, to be used for any of the purposes contemplated by this section; said loans to be made when actually necessary, before the sum can be raised by tax, levied and col-

lected as in this act provided, the said loan to be paid by the amount raised by the next tax levied and collected thereafter, as provided in this act; to publish this law as the board may deem proper; and to pay all expenses legally incurred in carrying this act into effect. Subdivision nine of said section thirteen of said chapter five hundred and fifty-five of the laws of one thousand eight hundred and sixty-four shall not be applicable to said board.

To organize and maintain schools.

§ 14. The board of education shall have power and it shall be their duty to organize, establish and maintain such and so many schools in said union free school district as they may deem necessary, or to alter or discontinue any of the same.

School district under general law.

§ 15. The said union free school district, for the purposes of the apportionment and distribution of school moneys from any source, shall be recognized and regarded as a school district under the general school law of the State. It shall be the duty of the board of education to make an annual report to the school commissioner of the first commissioner's district of Cortland county, at the time other schools are required so to do, and substantially in the same manner.

Moneys raised, how to be disposed of.

§ 16. All moneys raised for or apportioned to the use of said union free school or schools shall be disposed of under the provisions of section twenty-one of title nine of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four.

Amount to be raised for teacher's wages, etc.

§ 17. The amount raised for teachers' wages and contingent expenses for any one year shall not be more than four times the amount appropriated to said union free school district from all the common school funds of the State during the previous year, nor shall the amount to be raised in any one year by loan or otherwise, for the purchase of sites, erecting, building and repairing school-houses and appurtenances, exceed thirty-five hundred dollars, except as hereinafter provided.

When amount to be raised must be submitted to vote.

§ 18. It shall be the duty of the board of education, whenever in their judgment it shall be necessary to raise more than the amount specified in the preceding section for purchasing a site or sites and building a school-house or houses thereon, to certify the additional sum so proposed to be raised to the president and trustees of said village, whose duty it shall then be to submit the question as to whether or not said additional sum shall be raised by giving notice and proceeding otherwise as provided in sections twenty-seven and thirty-one of chapter four hundred and six of the laws of one thousand eight hundred and sixty-four, and the other provisions of said chapter four hundred and six, applicable to raising a specific sum of money for special purposes, in addition to the ordinary expenses of the village. If it shall be voted to raise said additional sum the said president and trustees shall raise the same by tax to be levied and collected as provided in said chapter four hundred and six of the laws of one thousand eight hundred and sixty-four. Or they may raise the same by issuing and selling interest-bearing obligations of said village, in such form and payable at such times as they deem advisable, until the amount thereof can be raised by tax as above provided without levying too large a tax at one time.

Board may sell school property.

§ 19. The board of education may sell, in its corporate capacity, any real or personal school property in the union free school district when they deem it advisable, and the avails thereof shall be used for school purposes. The title to all the real and personal school property belonging to said union free school district, or to the former school districts and parts of districts included in and composing the same, is hereby

vested in said board of education as a corporation; provided that where the school-house in a district, part of which district lies within the boundaries of said union free school district, is situate without the boundaries of the said union free school district, this section shall not apply to such district.

Persons, etc., to be taxed only under this act.

§ 20. No person or corporation subject to taxation on real or personal property for the purposes contemplated by this act shall be otherwise taxed on the same property for school purposes.

When districts consolidated to terminate, etc.

§ 21. The various school offices in the several districts or parts of districts composing this union free school district shall terminate whenever this act shall take effect, except so far as may be necessary to close up all unsettled business in their several districts. All money and property in the hands of the officers of, belonging to or appropriated for, said districts, shall pass to and vest in said board of education, for the purposes contemplated in this act; provided, that where the present school-house in a district, part of which district lies within the boundaries of said union free school district, is situate without the boundaries of said union free school district, this section shall not apply to such district.

Schools to be free.

§ 22. All the schools organized under this act shall be free to all pupils between the ages of five and twenty-one years residing in the said union free school district. All questions of residence shall be settled by the board.

Matters in dispute to be referred.

§ 23. All matters of dispute which shall or may arise under this act shall be referred to the superintendent of public instruction, by appeal or otherwise, and his decision shall be final and conclusive.

Act, how to be construed.

§ 24. This act shall be liberally construed by all courts and officers, so as to fully carry out its intent and spirit.

Acts repealed.

§ 25. All former or existing acts or parts of acts repugnant to, or inconsistent with, the provisions of this act, are hereby repealed, so far as relates to the said union free school district; but nothing herein contained shall apply to, or in any manner affect, the State normal and training school, at Cortland village, New York, or any law or laws in relation thereto.

Power vested in village officers.

§ 26. Full, ample and complete power and authority are hereby vested in, and conferred upon, the president and trustees, assessor and other corporate officers of the village of Cortland, to fully carry out and perform the acts and duties required by this act, and it shall be their duty to carry out and perform said acts and duties with all convenient speed.

§ 27. This act shall take effect immediately.

CHAP. 110.

AN ACT to regulate the examinations and reports of fire, and fire and inland navigation insurance companies.

PASSED April 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certain assets not to be allowed.

SECTION 1. Hereafter when an investigation is made by authority of the superintendent of the insurance department into the affairs of any fire, or fire and inland navigation insurance company doing business in this State, or whenever such company renders a statement to the

insurance department, there shall not be allowed, as assets, any investments that are not held as prescribed by the law at the date of such investigation, or rendering of such statement; provided, however, that unpaid premiums, on policies written within three months, shall be admitted as available resources. In estimating the liabilities, when such investigation is being made or statement rendered as above, there shall be charged, in addition to the capital stock and all outstanding claims, a sum equal to the total unearned premiums on the policies in force, calculated on the gross sum without any deduction on any account, charged to the policy-holder for each respective risk from the date of the issuance of the policy.

Proviso.

A sum equal to unearned premiums to be charged.

§ 2. It shall be the duty of the superintendent of the insurance department to insert in the blanks now required to be furnished to the companies for making their statements, such interrogatories as will best elicit and exhibit the information called for in the preceding section.

Interrogatories to be inserted in blanks.

§ 3. Any person, company, association or corporation transacting the business of fire, or fire and inland navigation insurance in this State, shall cancel any policy of insurance hereafter issued or renewed at any time by request of the party insured or his legal representatives, and shall return to said party or his representatives as aforesaid the amount of premium paid, less the customary short-rate premium for the expired time of the full term for which said policy has been issued or renewed, any thing in the policy to the contrary notwithstanding.

Policies to be cancelled on request.

§ 4. It shall be the duty of the receiver of any fire, or fire and inland navigation insurance company organized or incorporated under the laws of this State, hereafter appointed, on the receipt by him of any policy in force hereafter issued or renewed by said company, and at the request of the policy-holder (in writing) to cancel the policy of such person, and to issue in lieu thereof a certificate of indebtedness as such receiver to said policy-holder for the amount of the premium paid, less the proportional premium for the expired time of the full term for which the policy had been issued or renewed; and upon the receipt of said certificate of indebtedness by the policy-holder, the policy shall become null and void, any thing in the policy to the contrary notwithstanding. It shall be the duty of the receiver to report in the liabilities of the company in his statements to the insurance department, the total amount of the outstanding certificates of indebtedness as aforesaid, not cancelled at the date of making such statement.

Receivers to cancel policies and issue certificates of indebtedness.

§ 5. Any company of this State, or the receiver of any such company violating the provisions of this act, shall be subject to a fine of five hundred dollars for each and every violation, to be sued for and recovered in the name of the people of the State of New York by the attorney-general, and the said penalty when recovered shall be paid into the treasury of the State. Any company, person, association or corporation of another State or country, refusing to comply with the requirements of this act, shall have their certificates of authority revoked by the superintendent of the insurance department, upon the request (in writing) of the attorney-general.

Penalty for violating this act.

§ 6. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 111.

AN ACT to release the interest of the people of the State of New York in and to lands of which Richard Byrd and Joseph Byrd died seized to Mary S. Bradley.

PASSED April 9, 1880; two-thirds voting in favor thereof.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of State released.

SECTION 1. All the estate and interest of the people of this State in and to the lands and premises in the city of New York, whereof Richard Byrd and Joseph Byrd died seized and possessed, acquired by the escheat of the same, are hereby granted and released to Mary S. Bradley, wife of Henry Bradley, of the city of New York.

Not to affect vested rights.

§ 2. Nothing herein contained shall be held or construed to affect the right, title, interest or demand of any heir at law, devisee, grantee or of any creditor of the said Joseph Byrd or Richard Byrd by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

CHAP. 112.

AN ACT to amend chapter four hundred and seventy-six of the laws of eighteen hundred and sixty-nine, entitled "An act to establish the office of receiver of taxes in the town of New Rochelle, in the county of Westchester."

PASSED April 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter four hundred and seventy-six of the laws of eighteen hundred and sixty-nine, entitled "An act to establish the office of receiver of taxes in the town of New Rochelle, in the county of Westchester," is hereby amended so as to read as follows:

Official oath and bond.

§ 2. The said receiver of taxes, after he shall have received his certificate of election or appointment, and before entering upon the duties of his office, shall take and subscribe the usual oath of office, and give a bond to the people of the State of New York, to be executed by himself and at least two other freeholders of said town of New Rochelle, in the penal sum of fifty thousand dollars, which said bond shall be conditioned for the faithful performance of the duties of his said office, and for the payment of all moneys received by him as such receiver to the proper officers entitled to receive the same. The said bond shall be approved by the supervisor of the said town of New Rochelle, and shall be delivered to the said supervisor before the said receiver of taxes shall enter upon the duties of his office, so far as regards the collection of any such taxes, of State, county, town, village or school districts, which said bond shall be forthwith filed in the office of the county clerk of said county, and shall be a lien upon the

Penalty of bond.

Approval of bond.

real estate of the said receiver and his sureties; and all laws and provisions of laws relating to the enforcements and penalties against the collectors of towns shall apply to such receiver of taxes and sureties. An additional bond shall be executed by said receiver of taxes in each and every year in the same manner, approved and filed as hereinbefore provided. Additional bond.

§ 3.* This act shall take effect immediately.

CHAP. 113.

AN ACT to amend chapter four hundred and sixty-nine of the laws of eighteen hundred and seventy-three, entitled "An act relative to the purchasers of the franchises and property of corporations whose franchises and property shall have been sold by mortgage."

PASSED April 9, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter four hundred and sixty-nine of the laws of eighteen hundred and seventy-three, entitled "An act relative to the purchasers of the franchises and property of corporations whose franchises and property shall have been sold by mortgage," is hereby amended so as to read as follows:

§ 4. The said certificate shall be executed in duplicate and acknowledged before some officer competent to take acknowledgment of deeds. One of the said duplicates shall be filed in the office of the secretary of State, and the other thereof shall be filed in the office of the clerk of the county in which the said corporation first mentioned in this act had its principal place of business; and, thereupon, the said body politic and corporate so formed as aforesaid shall exist for the time, and may and shall possess, exercise and enjoy all the powers, privileges, rights, liberties, easements, and franchises possessed by the said former corporation, and in the same manner and to the same extent and with the same force and effect as the same could have been exercised by the said former corporation had not such sale as aforesaid been made. And whenever, by the decree of the court having jurisdiction of the foreclosure proceedings, it has been adjudged, determined and found by the court what powers, privileges, rights, liberties, easements and franchises were possessed and enjoyed by the former corporation at the time of entering such decree and were therein ordered to be sold, the same shall be possessed and enjoyed by the new corporation to which they shall have been conveyed under and by virtue of the decree of foreclosure and sale, as provided for in the act hereby amended. But no omission in such decree to set forth or define any of the rights, privileges or franchises of such former corporation shall in any way impair the rights of such purchasers and of such new corporation to possess and enjoy all that was possessed by the former corporation at the time of such sale.

Certificate to be acknowledged.

Duplicates to be filed.

Rights, etc., to be enjoyed by new corporation.

Omission in decree not to improve rights of new corporation.

§ 2. This act shall take effect immediately.

*So in original.

CHAP. 114.

AN ACT to exempt certain towns of this State from the provisions of chapter four hundred and thirty-one of the laws of eighteen hundred and seventy-five, entitled "An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof."

PASSED April 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Towns assessed at less than $5 per acre exempt from chap. 431, laws of 1875.

SECTION 1. All towns of this State whose real estate is assessed, as shown by their last assessment rolls, at an average price of less than five dollars per acre, are hereby exempted from the provisions of chapter four hundred and thirty-one of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof.'"

Proceedings to lay out, etc., highways in exempted towns.

§ 2. The commissioners of highways of each of such towns so exempted from the provisions of the aforesaid act shall hereafter, upon written petition of six freeholders of such town praying for the laying out, alteration or discontinuation of any highway, and within thirty days from the date of such petition, proceed to the laying out, alteration or discontinuation of the road designated therein, and adjust, in the manner provided in the following section, all matter of damages arising from such laying out, alteration or discontinuation of road; and within ten days from the time such highway shall have been so laid out, altered or discontinued and matter of damages relating thereto duly adjusted, said commissioners shall file, in the office of the clerk of such town, their order therefor containing a correct survey of the laying out, alteration or discontinuation of such road, and a statement of the amount of damages allowed for the same; and, thereupon, the proceedings of said commissioners shall be deemed lawful, and any road, or alteration of road so laid out, shall become a highway and remain open to public travel.

Commissioners to adjust claims of owners for damages.

Proviso.

§ 3. The commissioners of highways of such town are authorized to adjust with owner or owners of lands upon which roads shall be laid out, discontinued or altered as aforesaid, any claim for damages by reason thereof, providing the amount allowed by said commissioners for each of such claims shall not exceed fifty dollars; and any sum so allowed by said commissioners in settlement of such damages claimed as aforesaid, not exceeding the said sum of fifty dollars, shall be a charge against the town in which such roads are located, to be audited by the board thereof; but whenever any person so entitled to damages by reason aforesaid shall conceive himself aggrieved by the adjustment of such damages as offered by said commissioners, or whenever said commissioners shall deem the value of such damages to exceed the aforesaid sum of fifty dollars, then said commissioners shall forthwith apply to any of the justices of the peace of such town to cause to be drawn, by the usual process of justice court, a jury of six freeholders, residents of such town, not of kin to the party or parties claiming said damages, nor interested therein, and upon notice of not less than six nor exceeding ten days issued by said justice and duly served upon each of said jurors and each of the parties claiming said damages; such

When commissioners to apply to justice for venire jury to assess damage.

Qualifications and number of jurors.

jury so drawn, constituted, sworn and duly notified shall meet with the said commissioners of highways at the time and place stated in said notice to take a view of the road and premises for which said damages are claimed, to estimate the true nature and value of such damages and give their award for the same; and such award duly given in writing, signed by each of said jurors and certified by the said commissioners of highways, shall be deemed a final adjustment of such damages, and the same shall become a lawful charge against the town in which such road is located, to be audited by the board thereof.

Award of jury to be final.

§ 4. Each person acting as juror in the manner provided in the foregoing section shall receive one dollar per day of actual service, and the fees of the justice of the peace and constable for summoning such juries and issuing and serving notices shall be the same as those provided by law for the impaneling of juries by justice courts and serving of notices therefor, and the same shall be a charge against the town for which such services have been rendered.

Fees of jurors.

§ 5. This act shall take effect immediately.

CHAP. 115.

AN ACT further to amend chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories."

PASSED April 9, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter two hundred and seventy of the laws of eighteen hundred and fifty, entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other States and Territories," is hereby further amended so as to read as follows:

Chap. 270, laws of 1850, amended.

§ 5. No commissioner appointed under or by virtue of this act shall be authorized to take the proof or acknowledgment of any deed or instrument, or to administer any oath or affirmation at any place other than within the city and county within which he shall reside at the time of his appointment, and every certificate of any such commissioner to any proof or acknowledgment taken before him, or to any oath or affirmation administered by him, shall specify the day on which and the town and county or the city within which the same was taken or administered; and without such specification the said certificate shall be wholly invalid, inoperative and void.

Place where commissioner may execute the duties of his office. Certificate, what to contain.

§ 2. This act shall take effect immediately.

CHAP. 116.

AN ACT to confirm the election of trustees in the village of Hastings-on-Hudson, in the county of Westchester, and to provide for their election hereafter.

PASSED April 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Election not to be deemed invalid.

SECTION 1. The election of trustees held on the second day of January, in the year eighteen hundred and eighty, in the village of Hastings-on-Hudson, in the county of Westchester, shall not be deemed invalid by reason of the failure of any of the electors at such election to designate in their ballots the respective terms of office of the persons voted for for trustees, but the persons for whom a majority of such votes were cast shall be deemed to be the duly elected trustees of said village for a term to continue from the date of their election to the third Tuesday of March, in the year eighteen hundred and eighty-one, and until their successors shall be elected and qualified.

Terms of office of trustees.

Ballots to designate term of office.

§ 2. At the annual election in the year eighteen hundred and eighty-one, in said village, the ballots shall designate which of the trustees therein named shall hold office for one year, and which of them for two years.

§ 3. This act shall take effect immediately.

CHAP. 117.

AN ACT for the relief of persons who performed the duties of clerks and assistant clerks of district courts in the city of New York, in the year one thousand eight hundred and seventy-six.

PASSED April 10, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptroller to examine claim of clerks and assistant clerks of district courts.

SECTION 1. The comptroller of the city of New York is hereby authorized and required to examine the claim of any and every person claiming to have acted as the clerk or the assistant clerk of any district court in the city of New York, during any portion of the year one thousand eight hundred and seventy-six, for services rendered and duties performed by him as such clerk or assistant clerk, and the words "clerk" and "assistant clerk" as used in this act shall be construed as meaning and including all persons who have, during any part of said year eighteen hundred and seventy-six, actually performed the duties appertaining to the office of clerk or assistant clerk of any of said district courts under an appointment by the justice thereof, and upon the production to said comptroller of a certificate of the appointment of such person as such clerk or assistant clerk, by the justice who held the district court in which such services were rendered, or duties performed, and a further certificate of said justice showing when and for what length of time said duties and services were performed in such court by said person as such clerk or assistant clerk,

Terms "clerk," etc., defined.

Certificates, etc., of appointment, etc., to be produced.

or upon the production of such other evidence of appointment and performance of such duties as may be satisfactory to said comptroller, and a duly certified copy of the official bond of said person as such clerk or assistant clerk, and the certificate of the clerk of the city and county of New York, of the filing thereof in his office, accompanied by the affidavit of such claimant verifying the truth of the facts upon which such claim is made, and that he has not been paid for such duties and services; and on proof that such person has duly accounted for all moneys received by him in such capacity on account of the city, the said comptroller shall audit and certify the amount of such claim for services rendered and duties performed as aforesaid, during any part of the year eighteen hundred and seventy-six at the rate established by law, as the compensation for the services of the clerks and assistant clerks of the district courts in the city of New York at the time of the rendition of such services, and shall forthwith draw his warrant or warrants upon the chamberlain of the city of New York and deliver the same respectively to the persons acting as such clerks or assistant clerks as aforesaid, in satisfaction of their said claims.

Comptroller to audit and certify amount of claims and pay same.

§ 2. The comptroller of the city of New York is hereby authorized and directed to raise such sums of money as may be necessary to make all payments herein provided for by the issue of revenue bonds in anticipation of the taxes of the year eighteen hundred and eighty-one, and said moneys so to be raised shall be paid for the claims referred to in this act. Such bonds shall bear interest at a rate not exceeding six per centum per annum.

Bonds to be issued to raise money to pay claims.

§ 3. The board of estimate and apportionment of the city of New York is hereby authorized, directed and required to cause to be included in the taxes to be so levied and raised in the city of New York for the year eighteen hundred and eighty-one, upon the property subject to taxation in the city and county of New York, an amount sufficient to pay revenue bonds herein directed to be issued, with all interest due or to become due thereon.

Amounts required to be included in tax levy.

§ 4. This act shall take effect immediately.

CHAP. 118.

AN ACT in relation to the sale, and the proceeds of sale, of certain school property in the city of Albany.

PASSED April 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever, in the opinion of the board of public instruction of the city of Albany, any school building in said city shall become unfit or inappropriate for school purposes, and it shall be deemed impracticable, or not to the best advantage of said city, to alter or repair said building, or to erect a new building upon the site occupied by said building, and when it shall be thought best by the said board of public instruction to sell the said property and use the avails thereof in the purchase of a new site and erection of a new building thereon, the said board of public instruction shall, by resolution, certify such facts, together with the manner in which it desires such property to be sold, and, if at private sale, then to whom and for what

Board of public instruction may certify to common council facts making it necessary or expedient to sell school property, etc.

consideration, and, if at public auction, the time and place of such auction, to the common council of said city of Albany, and the said common council shall immediately take action thereupon, and, if it approve the said resolution, shall transmit the same to the mayor of the said city. And the said mayor shall have the same right to object to said resolution as to any other act of the common council of said city. In case of an objection being made by the said mayor to such resolution, he shall, within ten days after its receipt by him, return the said resolution, together with his objections thereto, in writing, to the clerk of the said common council, and the said common council shall, at its next meeting thereafter, cause the said objections of the mayor to be entered in full upon its journal, and shall, as soon as may be practicable thereafter, again proceed to vote upon said resolution. If the mayor shall approve such resolution, or if he shall fail to return the same to the said common council within ten days after the receipt thereof by him, or if, after the objections of the mayor are communicated to said common council, two-thirds of the members thereof shall vote in favor of such resolution, notwithstanding the objections of the mayor, then, in either case, the said property shall be sold by or under the direction of the said board of public instruction and in accordance with the provisions of said resolution, and upon the payment of the purchase-money for said property to the chamberlain of the city of Albany, the mayor of said city shall duly execute, acknowledge and deliver to the purchaser of said property a good and sufficient conveyance of the same.

Council to act thereon.

Mayor may veto.

Common council may pass same by two-third vote over veto.

When property to be sold.

Proceeds of sale to be credited to board of public instruction.

§ 2. The chamberlain of said city shall place such money as shall be received from the sale of such property to the credit of the board of public instruction of the city of Albany, and the said board shall use the same for the purchase of such sites, and the erection of such buildings, as it shall deem proper and necessary for school purposes in said city. Whenever the said board shall purchase any real estate for such purposes, it shall take the conveyance thereof to and in the name of the city of Albany, and the title thereto shall be vested in the said city.

§ 3. This act shall take effect immediately.

CHAP. 119.

AN ACT to extend the time for the collection of taxes in the towns of Catskill and Hunter, in the county of Greene.

PASSED April 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Collectors may renew bonds, etc.

SECTION 1. If the persons who, on the first day of March, eighteen hundred and eighty, were collectors of taxes of the towns of Catskill and Hunter shall, within eight days after the passage of this act, renew their bonds to the satisfaction of the supervisors of their respective towns, and at the same time pay over all moneys by them collected, the time is hereby extended for the said collectors to collect and pay over the balance of taxes uncollected, and make their final return of taxes until the first day of May, eighteen hundred and eighty.

Time to collect taxes extended.

§ 2. This act shall take effect immediately.

CHAP. 120.

AN ACT to amend chapter eleven of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to create a board of public instruction in the city of Albany, to establish free schools therein, and amendatory of the several acts relating to the district schools in said city.'"

PASSED April 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter eleven of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to create a board of public instruction in the city of Albany, to establish free schools therein, and amendatory of the several acts relating to the district schools in said city,'" is hereby amended so as to read as follows:

§ 1. The members of the said board shall hold their first meeting on the first day of June, one thousand eight hundred and sixty-six, at four o'clock in the afternoon of that day, or as soon thereafter as may be, for the purpose of organization. They shall thereupon appoint one of their number president, who shall exercise all the powers usually incident to such office; they shall also appoint a suitable person, other than a member of their body, superintendent of schools of the city of Albany, who shall, by virtue of his office, act as secretary of the board, and shall exercise all such powers and shall discharge all such other duties as the board shall, from time to time, direct, and shall be allowed such compensation for his services as the said board may, at any time, determine, not, however, to exceed, in rate, the sum of two thousand and five hundred dollars per annum.

First meeting.

Officers to be elected.

Secretary.

Compensation of.

§ 2. This act shall take effect immediately.

CHAP. 121.

AN ACT appointing and directing the holding of a court of oyer and terminer in the county of Chemung.

PASSED April 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. A court of oyer and terminer will be held at the court-house, in the city of Elmira, in and for the county of Cheemung,* commencing at ten o'clock in the forenoon on the nineteenth day of April, in the year of our Lord one thousand eight hundred and eighty, in connection with a circuit court then and there to be held.

A court of oyer and terminer to be held April 19, 1880.

§ 2. William Murray, one of the justices of the supreme court for the sixth judicial district of the third department of the State of New York, and George T. Hill and Samuel M. Carr, justices of sessions of

By whom to be held.

* So in original.

the county of Chemung, shall constitute such court of oyer and terminer, the said William Murray presiding thereat; and the panel of jurors duly drawn on the fifth day of April, eighteen hundred and eighty, to act as grand and petit jurors at a court of oyer and terminer heretofore appointed by the justices of the supreme court for the third department and sixth judicial district to be held in the county of Chemung on the nineteenth day of April, eighteen hundred and eighty, shall be the jurors for the court hereby directed and appointed.

Jurors.

Order of justices of supreme court filed Nov. 20, 1879, how to be construed.

§ 3. The order filed in the office of the secretary of State of New York on the twentieth day of November, eighteen hundred and seventy-nine, signed by the justices of the supreme court of the State of New York for the sixth judicial district appointing the holding of terms of court in said district, shall be and is hereby construed to direct and appoint the holding of a court of oyer and terminer in the county of Chemung on the nineteenth day of April, eighteen hundred and eighty, in connection with a circuit court then and there to be held; and such court of oyer and terminer is hereby directed, authorized and appointed, and said order is hereby amended in any and every particular necessary to authorize the holding of said court of oyer and terminer by the terms thereof.

§ 4. This act shall take effect immediately.

CHAP. 122.

AN ACT to amend section six of title four, chapter two, article one, part four of the Revised Statutes.

PASSED April 15, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter two, article one, part four of the Revised Statutes is hereby amended so as to read as follows:

County clerk to write jurors' names on pieces of paper and fold same and deposit in box.

§ 6. On receiving such list the county clerk shall write the names of the persons contained therein, with their additions and places of residence, on separate pieces of paper, and shall roll up or fold such pieces of paper, each in the same manner as near as may be, so that the name written therein shall not be visible, and shall deposit such pieces of paper in a sufficient box from which they shall be drawn as hereinafter provided. If, from any cause, such box or the pieces of paper containing the names of jurors so deposited therein shall be lost or destroyed, the county clerk, in whose office such loss or destruction shall happen, shall forthwith provide a new box and again write the names of the persons contained in the list, so filed in his office, on separate pieces of paper and roll up or fold the same in the same manner as hereinbefore directed, and deposit the same in the box so provided by him.

In case of loss or destruction names to be re-written and new box procured.

§ 2. This act shall take effect immediately.

CHAP. 123.

AN ACT in relation to arrears of taxes in the city of New York, and to provide for the reissuing of revenue bonds in anticipation of such taxes.

PASSED April 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At any time after the passage of this act, and before the first day of October, eighteen hundred and eighty, any person may pay to the comptroller of the city of New York the amount of any tax upon real property belonging to such person, heretofore laid or imposed and now remaining unpaid, together with interest thereon at the rate of seven per centum per annum, to be calculated from the time that such tax was imposed to the time of such payment, provided, also, that the time when such payment may be made on the amount of any such tax laid or imposed in the years eighteen hundred and seventy-seven, eighteen hundred and seventy-eight and eighteen hundred and seventy-nine shall extend to the first day of April, eighteen hundred and eighty-one. The comptroller shall make and deliver to the person making any such payment a receipt therefor, and shall forthwith cancel the record of any such tax on the books of the finance department; and upon such payment being made such tax shall cease to be a lien upon the property and shall be deemed fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum per annum upon any unpaid tax.

Persons liable to tax may pay amount with interest at 7 per cent. to comptroller.

Proviso.

Comptroller to give receipt, etc.

§ 2. Any revenue bond heretofore issued in anticipation of the taxes in the first section specified which may fall due and become payable before said taxes are collected, may be reissued by the comptroller of said city, in whole or in part, for such period as he may determine, not exceeding one year.

In what cases revenue bonds may be reissued.

§ 3. This act shall take effect immediately.

CHAP. 124.

AN ACT to allow the Fonda, Johnstown and Gloversville Railroad Company to purchase the Gloversville and Northville railroad, and the franchises of said company.

PASSED April 15, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Fonda, Johnstown and Gloversville Railroad Company, a company organized under and by virtue of the laws of the State of New York, is hereby empowered and authorized to purchase the Gloversville and Northville railroad, all its lands, franchises and

The F. J. & G. R. R. Co. may purchase the G. & N. Railroad.

equipments at any sale to be made under foreclosure or otherwise, or under any arrangement with the said Gloversville and Northville Railroad Company, or of any person or persons who may become the owners of the same by which the Fonda, Johnstown and Gloversville Railroad Company will be able to acquire the title to and become the owners of the said Gloversville and Northville railroad, its road, lands, franchises and equipments; and for that purpose the Fonda, Johnstown and Gloversville Railroad Company is hereby authorized to execute and issue such obligation or obligations as may be necessary to complete said purchase and to pay the consideration thereof, and to execute and issue the same in such form or manner and upon such terms, at not less than par, as the directors of the Fonda, Johnstown and Gloversville Railroad Company shall approve.

For purpose of making such purchase may issue obligations.

§ 2. This act shall take effect immediately.

CHAP. 125.

AN ACT to authorize the railroad commissioners of the town of Lowville, in Lewis county, to take up certain bonds which, under chapter fourteen, section four of laws of eighteen hundred and seventy-two, may be taken up, and to issue others in place of said bonds, at a lower rate of interest.

PASSED April 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

New bonds may be issued for the purpose of refunding.

SECTION 1. For the purpose of refunding the bonds of the town of Lowville, issued to aid in the construction of the Utica and Black River railroad, at a lower rate of interest, said town is authorized to issue bonds for a new loan. Rutson Rea, De Witt C. West, the supervisor and town clerk of the town of Lowville, Lewis county, and their successors in office, are hereby authorized to issue and sell an amount of bonds equal to the amount which said commissioners are hereby authorized to call in under the provisions of section four, chapter fourteen of the laws of eighteen hundred and seventy-two, bearing a rate of interest not exceeding six per centum per annum, payable semi-annually.

Commissioners to sign bonds.

§ 2. Said commissioners and their successors in office shall sign the bonds issued by the town under this act, and they shall be similar and of like amount of those falling due or to be called in under the act of eighteen hundred and seventy-two, chapter fourteen. And the

Interest, when payable.

interest on said bonds shall be made payable semi-annually, on the tenth day of February and August in each and every year, and the principal in not less than five years nor more than twenty years from date, at the option of said commissioners. Said commissioners may make the rate of interest less than six per centum, and may issue and sell as many of said bonds in each year as will meet the principal sum of the bonds of said town now outstanding and hereafter called in in each year, and no more, and said bonds shall not be sold at less than par.

Notice to be published.

§ 3. Said commissioners are hereby required, under provisions of section four, chapter fourteen of the laws of eighteen hundred and

seventy-two, to publish a notice for thirty days in the county papers of Lewis county, requiring the holders of said bonds to present them at a place the commissioners shall designate in the village of Lowville, in said notice, and at a time when a payment of interest is falling due, and to take up said bonds so called in, with the money realized from the sale of the bonds issued under the provisions of this act.

Bonds to run for not less than five nor more than twenty years.

§ 4. Said commissioners may issue bonds under this act running for a period of not less than five nor more than twenty years and subject at any time after the expiration of five years to the call of the commissioners of said town, on giving thirty days' notice in not less than two of the newspapers published in Lewis county, requiring the holders of said bonds to present them at a place they shall designate in said notice, and at a time when a payment of interest is falling due, and said bonds shall contain the condition that they are payable in not less than five years nor more than twenty, at the option of the commissioners of said town, or their successors in office.

Outstanding bonds taken up to be canceled.

§ 5. All and each of the bonds now outstanding and required to be taken up under the provisions of this act authorizing the issue of other bonds shall be canceled within fifteen days after their redemption, in the presence of the railroad commissioners, the supervisor, the justices of the peace and the town clerk of Lowville, and disposed of in accordance with provisions of existing laws.

§ 6. This act shall take effect immediately.

CHAP. 126.

AN ACT authorizing the trustees of the village of Saratoga Springs to purchase hose for the use of the fire department of said village

PASSED April 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees may expend $2,000 for hose.

SECTION 1. The trustees of the village of Saratoga Springs are hereby authorized and empowered to expend upon the faith and credit of said village, not to exceed the sum of two thousand dollars, to purchase hose, for the use of the fire department of said village.

Tax for same.

§ 2. The said trustees are authorized and empowered to levy, in addition to their annual tax, for the year eighteen hundred and eighty, a sum sufficient to pay the amount so expended by them, and that such tax be levied and collected at the same time and in the same manner as such annual tax.

§ 3. This act shall take effect immediately.

CHAP. 127.

AN ACT to amend chapter one hundred and four of the laws of eighteen hundred and seventy-seven, entitled "An act to authorize the treasurer of Monroe county to sell property for unpaid taxes."

PASSED April 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, ch. 104, laws of 1877, amended.

SECTION 1. The second section of chapter one hundred and four of the laws of eighteen hundred and seventy-seven, entitled "An act to authorize the treasurer of Monroe county to sell property for unpaid taxes," is hereby amended so as to read as follows:

Treasurer to make and publish list of lands charged with unpaid taxes.

§ 2. He shall make a list or statement of the lands charged with such unpaid taxes, and shall cause the same to be correctly published and printed in the newspapers in said county, designated by the board of supervisors for publishing the session laws, once a week for the space of three weeks prior to the time of sale, which shall commence on the third Tuesday of August in each and every year, together with a notice that so much of said lands as may be necessary to discharge the taxes, interest and charges which may be due thereon at the time of the sale, will, on the day aforesaid, which shall be specified in such notice, and the succeeding days, be sold at public auction at the court-house in the city of Rochester. All expenses of printing such list or statement and notices shall be audited by the board of supervisors, and paid out of the treasury of said county. The publishers of such newspapers shall immediately after the last publication of said list and notice deliver to the treasurer of said county an affidavit of the due publication thereof, made by some person or persons to whom the fact of such publication shall be known.

Expenses, how paid.

§ 2. The tenth section of said act is hereby amended so as to read as follows:

Notice of lands sold for taxes, and amount necessary to redeem.

§ 10. The treasurer shall, at least six months before the expiration of the two years allowed for redemption, prepare a notice specifying particularly every parcel of land sold for taxes by virtue of this act remaining unredeemed, and the amount necessary to redeem the same, calculated to the last day on which such redemption can be made, and stating that unless such lands are redeemed by a certain day they will be conveyed to the purchaser; and he shall cause such notice to be published once in each week for at least three weeks successively in the newspapers designated by the board of supervisors of said county to publish the session laws; and the said three weeks' publication to be completed at least eighteen weeks before the expiration of the two years allowed for the redemption. The expenses of such publication shall be audited by the board of supervisors of said county, and shall be a county charge.

Publication of.

§ 3. The thirteenth section of said act is hereby amended so as to read as follows:

When treasurer to bid in for supervisors land sold for taxes.

§ 13. It shall be the duty of the treasurer to bid in for the supervisors of the county of Monroe, at any sale of land for taxes, by virtue of this act, every lot of land by him put up for which no person shall offer to bid, and certificates of such sale shall be made by the treasurer which shall describe the lands purchased, and specify the

time when the board of supervisors of the county of Monroe will be entitled to a deed. Such purchases shall be subject to the same right of redemption as purchases by individuals; and if the lands sold shall not be redeemed, the treasurer shall execute a conveyance therefor to the board of supervisors of the county of Monroe, or its assigns, which shall have the same effect, and become absolute in the same time and on the performance of the like conditions as in the case of sales and conveyances to individuals.

Such purchases subject to redemption.

§ 4. The fifteenth section of said act is hereby amended so as to read as follows:

§ 15. Whenever any lot or separate tract of land sold for taxes by the treasurer, and conveyed as hereinbefore provided, shall, at the time of the expiration of the two years given for the redemption thereof, or any part thereof, be in the actual occupancy of any person, the grantee to whom the same shall have been conveyed, or the person claiming under him, shall serve a written notice on the person or persons occupying such land, within two years from the expiration of said time to redeem, stating, in substance, the sale and conveyance, the person to whom made, and the amount of the consideration-money mentioned in the conveyance, with the addition of thirty-five per centum on such amount, and the sum paid for the deed not exceeding five dollars, and stating also that unless such consideration-money and the said thirty-five per centum, together with the sum paid for the deed, shall be paid into the treasury for the benefit of such grantee within six months after the time of filing in the treasurer's office of the evidence of the service of the said notice, that the said conveyance will become absolute, and the occupant and all others interested in the land be forever barred from all right or title thereto; and no conveyance made in pursuance of this section shall be recorded until the expiration of such notice; and the certificate of the treasurer under his hand and seal of the filing of the evidence of such notice in his office shall be recorded with such conveyance.

Purchasers to give occupants notice to redeem.

Notice, what to contain.

When conveyance to become absolute.

§ 5. The seventeenth section of said act is hereby amended so as to read as follows:

§ 17. The occupant or any other person having an interest in or lien upon said premises may, at any time within the six months mentioned in such notice, redeem the said land by paying into the treasury such consideration-money, with the addition of thirty-five per centum thereon and the amount that shall have been paid for the deed; and every such redemption shall be as effectual as if made before the expiration of the two years allowed to redeem the land sold.

Who may redeem and when.

§ 6. The twenty-first section of said act is hereby amended so as to read as follows:

§ 21. The occupant of any such lot, or any other person having an interest in or lien upon such lands, may, at any time before the service of said notice by the purchaser or the person claiming under him, redeem any lands so occupied by filing in the office of the treasurer satisfactory evidence of the occupancy required, and by paying to him the consideration-money for which the lands to be redeemed were sold, and thirty-five per centum thereon, together with the sum paid for the deed, if any.

Who may redeem before service of notice.

§ 7. This act shall take effect immediately.

CHAP. 128.

AN ACT to authorize the town of Madrid, in the county of St. Lawrence, to borrow money for the completion of the water-works in the village of Madrid, and for other purposes.

PASSED April 19, 1880; three-fifths being present,

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervisor and clerk may borrow $500 and give bonds therefor.

SECTION 1. The supervisor and town clerk of the town of Madrid, in the county of St. Lawrence, are hereby authorized to borrow the sum of five hundred dollars on the credit of said town, and for that purpose to issue the bonds of said town in sums of not less than fifty dollars payable at the office of the said supervisor on the first day of February, one thousand eight hundred and eighty-three, with interest annually; said bonds to be disposed of by the said supervisor at not less than their par value, and the proceeds of such sale to be paid out as follows: One hundred dollars on the order of the water-works committee, or so much thereof as shall be necessary to complete and put in order the water-works and reservoirs in said village, and the balance to be paid out on the order of the board of directors of the "fire department of the village of Madrid," to be expended by such board in the erection of a suitable building to be used as an engine-house, and to procure additional fire apparatus for the extinguishment of fires.

$100 for water-works and balance for fire department.

Supervisor to report to board of supervisors.

§ 2. It shall be the duty of the supervisor of said town to report annually to the board of supervisors of said county the amount necessary to be raised for the payment of the principal and interest due upon the bonds so issued; and it shall be the duty of said board to levy the sum so reported upon the taxable property of said town, and to cause the same to be collected in the same manner that other town taxes are collected.

§ 3. This act shall take effect immediately.

CHAP. 129.

AN ACT to organize a fire department in the village of Madrid, St. Lawrence county, New York.

PASSED April 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Fire department, of whom to consist.

SECTION 1. The fire department of the village of Madrid shall consist of a chief engineer, assistant chief engineer, a treasurer, and all persons who now are, or shall hereafter become members of the fire, hook and ladder and hose companies, now organized, or hereafter to be organized, in said village; and they are hereby ordained and constituted a body politic and corporate, in fact and in name, by the name and style of the "Fire Department of the Village of Madrid," and by that name they and their successors shall have perpetual succession, and shall have a common seal, and shall be persons in law capable of

Corporate name.

suing and being sued in all the courts of this State, by and in the name of the chief engineer of said fire department, and also that they and their successors, by their corporate name, shall be, in law, capable of purchasing, holding and conveying real or personal estate for the use of said corporation; provided the amount of such real and personal estate so held shall not exceed in value the sum of ten thousand dollars. Said fire and hook and ladder companies shall not exceed fifty members, respectively, and said hose companies shall not exceed thirty members, respectively; and said companies, in said department, shall have power to enact by-laws for their management not inconsistent with the laws of this State.

Fire, hook and ladder companies.

§ 2. At the annual election of chief engineer and assistant chief engineer, there shall also be elected by ballot a treasurer for said department, who shall hold his office for one year, and who shall, within ten days after his election, execute to the chief engineer of said department, and his successor in office, his official bond with one or more sureties, in such sum as the board of directors may direct, and said treasurer shall invest and disburse the moneys belonging to said department as directed by the board of directors thereof.

Officers to be elected at annual election.

§ 3. The chief engineer, assistant chief engineer and two representatives to the department from each company shall constitute a board of directors for said department, of which the chief engineer shall be president, and in his absence, the assistant chief shall preside. A majority of said board shall constitute a quorum, and said directors shall have full power to make and prescribe such laws and regulations, not inconsistent with the laws of this State, as they may deem necessary for the proper management of the affairs of said department, and the disposition of the funds or property belonging thereto.

Board of directors.

§ 4. The directors of said fire department shall have power to impose reasonable fines and penalties for violation, by the members of said corporation, of the by-laws, rules and regulations established by said directors, and to sue for and recover the same in the name of the chief engineer of the department, before any court having jurisdiction thereof.

Fines and penalties.

§ 5. A certificate, signed by the chief engineer of said department and the foreman of the company to which any member of the department has belonged, or may hereafter belong, declaring the term and time such member has served as such fireman in this department, or that the term of service of said member as prescribed in this act has been fully completed, shall be sufficient to entitle him to all the privileges and exemptions secured to firemen by the laws of this State; and five consecutive years shall constitute such term of service.

Certificate of membership, etc.

§ 6. This act shall take effect immediately.

CHAP. 130.

AN ACT to legalize and authorize the town of Mount Pleasant, in the county of Westchester, to raise money to pay the estate of John O'Keefe for loss sustained by said John O'Keefe, as collector, by depositing the town funds in the First National Bank of Tarrytown.

PASSED April 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action of town meeting legalized.

SECTION 1. The action of the annual town meeting held in the town of Mount Pleasant, in the county of Westchester, on the thirtieth day of March, one thousand eight hundred and eighty, at which a resolution was passed to raise the sum of five hundred dollars on the taxable property of said town of Mount Pleasant, to pay the estate of John O'Keefe for loss sustained by said John O'Keefe, as collector of taxes for said town, by depositing the town funds in the First National Bank of Tarrytown, is hereby legalized and confirmed.

Amount to be added to tax levy by supervisors.

§ 2. The board of supervisors of the county of Westchester shall, at their next annual session, add the amount directed to be raised by the preceding section, to the sum required to be assessed upon the taxable property of the town of Mount Pleasant; and the same shall be assessed, levied and collected in the same manner and in the same proportions as are other expenses of the said town.

§ 3. This act shall take effect immediately.

CHAP. 131.

AN ACT to provide for the refunding of a portion of the bonded debt of the town of Westchester, in the county of Westchester, and to restrict the power of the town officers to bond the said town, except as provided in chapter one hundred and ninety-three of the laws of eighteen hundred and seventy-seven.

PASSED April 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervisor to issue bonds.

SECTION 1. The supervisor of the town of Westchester, in the county of Westchester, is hereby authorized and empowered to issue the bonds of the said town in the year eighteen hundred and eighty-one, to the

Amount.

amount of fifteen thousand dollars; in the year eighteen hundred and eighty-two, to the amount of ten thousand dollars; in the year eighteen hundred and eighty-three, to the amount of five thousand dollars; and in the year eighteen hundred and eighty-four, to the amount of five thousand dollars, making a total issue, under this act, of thirty-

When payable.

five thousand dollars. The said bonds shall be payable as follows: those issued in the year eighteen hundred and eighty-one shall be payable, five thousand dollars in the year eighteen hundred and ninety-two, five thousand dollars in the year eighteen hundred and ninety-three,

and five thousand dollars in the year eighteen hundred and ninety-four; those issued in the year eighteen hundred and eighty-two shall be payable, five thousand dollars in the year eighteen hundred and ninety-five, and five thousand dollars in the year eighteen hundred and ninety-six; those issued in the year eighteen hundred and eighty-three shall be payable in the year eighteen hundred and ninety-seven, and those issued in the year eighteen hundred and eighty-four shall be payable in the year eighteen hundred and ninety-eight.

Form of bonds.

§ 2. The said bonds shall be issued in the usual form, signed by the supervisor and by the town clerk and attested by the seal of the town; shall bear interest at a rate not exceeding six per centum per annum, and shall not be sold for less than their par value. The proceeds of the said bonds shall be applied to the payment and redemption of bonds heretofore issued by said town and falling due in the year eighteen hundred and eighty-one, eighteen hundred and eighty-two, eighteen hundred and eighty-three and eighteen hundred and eighty-four, and to no other purpose whatever; and it shall be the duty of the supervisor in each of said years to pay off and redeem bonds of the town to an amount equal to the amount which he is hereby authorized to issue in that year.

Proceeds, how to be applied.

Issue of bonds other than herein provided for, prohibited.

§ 3. From and after the passage of this act, with the exception of the bonds specified above, and of such bonds as it may be found necessary to issue to meet a deficiency in the tax levy, as provided by chapter one hundred and ninety-three of the laws of eighteen hundred and seventy-seven, it shall be unlawful for the town of Westchester, or for any supervisor, or other officer or board of officers thereof, to issue any bonds binding the credit of said town for any purpose whatever, unless authorized so to do by the legislature by an act passed subsequent to the passage of this act.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 132.

AN ACT to alter and define the limits and boundaries of the first and third judicial districts of the city of New York, and to provide for the election of justices therein.

PASSED April 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

First and third judicial districts, of what territory to be composed after June 1, 1883.

SECTION 1. The first judicial district of the city of New York, now composed of the first, second, third and fifth wards thereof, shall, on and after the first day of January, eighteen hundred and eighty-two, be constituted and composed of the first, second, third, fifth and eighth wards of said city. The third judicial district of the city of New York, now composed of the eighth, ninth and fifteenth wards thereof, shall, on and after the first day of January, eighteen hundred and eighty-two, be constituted and composed of the ninth and fifteenth wards of said city.

Jurisdiction.

§ 2. On and after the first day of January, eighteen hundred and eighty-two, the jurisdiction of the district court, in the city of New York, for the first judicial district, shall extend over the first, second, third, fifth and eighth wards of said city, hereby constituted the said first judicial district; and on and after the said first day of January, eighteen hundred and eighty-two, the jurisdiction of the district court, in the city of New York, for the third judicial district, shall extend over the ninth and fifteenth wards of said city, hereby constituted the said third judicial district.

Justices, election of.

§ 3. At the general State election to be held in the city of New York, in the year eighteen hundred and eighty-one, justices shall be elected in and for the said first and third judicial districts, as the same are hereby constituted, in the same manner as the law now directs the justices of district courts in said city to be elected, who shall hold office for the term of six years from the first day of January, eighteen hundred and eighty-two.

Inconsistent acts repealed.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. But nothing in this act contained shall affect any action pending in either of said district courts on said first day of January, eighteen hundred and eighty-two, but such actions shall proceed to judgment and execution as effectually as if this act had not been passed.

§ 5. This act shall take effect immediately.

CHAP. 133.

AN ACT to amend sections nine and twenty-eight of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same."

PASSED April 19, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," is hereby amended so as to read as follows:

Capital stock may be increased.

§ 9. In case the capital stock of any company formed under this act is found to be insufficient for constructing and operating its road, such company may, with the concurrence of two-thirds in amount of all its stockholders, and the written approval of the State engineer and surveyor, until such time as there shall be appointed a board of railroad commissioners, and after that with the written approval of such board, increase its capital stock, from time to time, to any amount required for the purposes aforesaid. Such increase must be sanctioned by a vote in person, or by proxy, of two-thirds in amount of all the stockholders of the company, at a meeting of such stockholders, called by the directors of the company for that purpose, by a notice in writing to each stockholder, to be served on him personally, or by depositing the same, properly folded and directed to him at the post-office nearest his usual place of residence, in the post-office, at least twenty days prior to such meeting. Such notice must state the time and place of

Increase to be sanctioned by two-third vote of stockholders.

the meeting, and its object, and the amount to which it is proposed to increase the capital stock. The proceedings of such meeting must be entered on the minutes of the proceedings of the company, and thereupon the capital stock of the company may be increased to the amount sanctioned by a vote of two-thirds in amount of all the stockholders of the company as aforesaid. A copy of such notice shall also be published within the county where the main office of such corporation shall be located, once a week for four weeks prior to such meeting, in a newspaper to be designated by the State engineer and surveyor, until such time as a board of railroad commissioners shall be appointed, and after that time by such board, and in no case, and under no circumstances, shall any railroad company of this State increase its stock except upon the notice and with the approval herein provided. Any officer or director of any railroad company violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not less than six months and by fine not exceeding one thousand dollars.

Notice of meeting.

Proceedings.

Copy of notice to be published.

Violations of this act a misdemeanor.

§ 2. Section twenty-eight of said act is hereby further amended so as to read as follows:

§ 28. Every corporation formed under this act shall, in addition to the powers conferred on corporations in the third title of the eighteenth chapter of the first part of the Revised Statutes, have power

Corporate powers.

1. To cause such examination and surveys for its proposed railroad to be made as may be necessary to the selection of the most advantageous route; and for such purpose, by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to the responsibility for all damages which shall be done thereto.

To cause surveys, etc., to be made.

2. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railroad; but the real estate received by voluntary grants shall be held and used for the purpose of such grant only.

To take and hold real estate by gift.

3. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its railroad, and the stations and other accommodations necessary to accomplish the objects of its incorporation; but nothing herein contained shall be held as repealing, or in any way affecting, the act entitled "An act authorizing the construction of railroads upon Indian lands," passed May twelfth, eighteen hundred and thirty-six.

To purchase real estate.

4. To lay out its road not exceeding six rods in width, and to construct the same; and for the purpose of cuttings and embankments, to take as much more land as may be necessary for the proper construction and security of the road; and to cut down any standing trees that may be in danger of falling on the road, making compensation therefor as provided in this act for lands taken for the use of the company.

To construct road, etc.

5. To construct their road across, along or upon any stream of water, water-course, street, highway, plank-road, turnpike, or across any of the canals of this State, which the route of its road shall intersect or touch; but the company shall restore the stream or water-course, street, highway, plank-road and turnpike thus intersected or touched to its former state, or to such state as not unnecessarily to have impaired its usefulness. Every company formed under this act shall be subject to the power vested in the canal commissioners by the seventeenth section of chapter two hundred and seventy-six of the session laws of eighteen hundred and thirty-four. Nothing in this act

To cross streets, water courses, etc.

Company to have same power as canal commissioners.

under act of 1834. Limitation.

contained shall be construed to authorize the erection of any bridge, or any other obstructions across, in or over any stream or lake navigated by steam or sail boats, at the place where any bridge or other obstructions may be proposed to be placed; nor to authorize the construction of any railroad not already located in, upon or across any streets in any city, without the assent of the corporation of such city; nor to authorize any such railroad company to construct its road upon and along any highway, without the order of the supreme court of the judicial district in which said highway is situated, made at a special term of said court, after at least ten days' notice in writing of the intention to make application for said order shall have been given to the commissioners of highways of the town in which said highway is situated.

To cross, intersect or join other railroads.

6. To cross, intersect, join and unite its railroad with any other railroad before constructed, at any point on its route, and upon the grounds of such other railroad company, with the necessary turnouts, siding and switches and other conveniences in furtherance of the objects of its connections. And every company whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined by commissioners to be appointed by the court as is provided in this act in respect to acquiring title to real estate; and all companies whose railroads are or shall hereafter be crossed, intersected or joined, as aforesaid, shall receive from each other, and forward to their destination, all goods, merchandise and other property intended for points on their respective roads, with the same despatch, and at a rate of freight not exceeding the local tariff rate charged for similar goods, merchandise and other property received at and forwarded from the same points for individuals and other corporations.

Proceedings in case companies cannot agree.

Motive power.

7. To take and convey persons and property on their railroad by the power or force of steam or of animals, or by any mechanical power and to receive compensation therefor.

Stations, etc.

8. To erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the accommodation and use of their passengers, freights and business.

Regulate transportation of passengers, rate of fare, etc.

9. To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor; but such compensation for any passenger and his ordinary baggage shall not exceed three cents per mile. The re-enactment of this provision shall not be construed as increasing the rate of passenger fare which any railroad of this State is now authorized to charge.

To borrow money, etc.

10. From time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the company for the purpose aforesaid; and the directors of the company may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon, into stock of said company, at any time not less than two nor more than twelve years from the date of the bond, under such regulations as the directors may see fit to adopt; provided, however, that if the already authorized capital stock of such

Bonds may be converted into stock.

corporation, at the time such bonds may be issued, shall not be sufficient to meet such conversion when made the stockholders shall, before such issue and in the manner hereinbefore provided, authorize an increase of capital stock to an extent sufficient to meet the deficiency.

§ 3. This act shall take effect immediately.

CHAP. 134.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

PASSED April 19, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-six of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows:

§ 26. It shall be lawful for the trustees of any savings bank to invest the moneys deposited therein only as follows, namely: How moneys may be invested.

First. In the stocks or bonds, or interest-bearing notes, or obligations of the United States, or those for which the faith of the United States is pledged to provide for the payment of the interest and principal. In stocks, etc., of U. S.

Second. In the stocks or bonds of this State bearing interest. In stocks, etc., of N. Y.

Third. In the stocks or bonds of any State in the Union that has not, within ten years previous to making such investment by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such State to be contracted. In stocks, etc., of other states.

Fourth. In the stocks or bonds of any city, county, town or village of this State issued pursuant to the authority of any law of this State, or in any interest-bearing obligations issued by the city or county in which such bank shall be situated. In stocks, etc., of cities, etc.

Fifth. In bonds and mortgages on unincumbered real estate situate in this State and worth at least twice the amount loaned thereon, but not to exceed sixty per centum of the whole amount of deposits shall be so loaned or invested; but in case the loan is on unimproved and unproductive real estate the amount loaned thereon shall not be more than forty per centum of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee charged with the duty of investigating the same, and who shall certify to the value of the premises mortgaged, In bonds and mortgages.

or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the institution.

In real estate. Sixth. In real estate subject to the provisions of section twenty-nine of this act.

CHAP. 135.

AN ACT to simplify the proof of the Sanitary Code in the city of New York.

PASSED April 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

"Sanitary Code" defined. SECTION 1. The Sanitary Code adopted and declared as such at a meeting of the board of health of the health department of the city of New York, held in the city on the second day of June, one thousand eight hundred and seventy-three, is hereby declared to be the Sanitary Code mentioned and described in section eighty-two of an act entitled "An act to reorganize the local government of the city of New York," passed April thirtieth, eighteen hundred and seventy-three, and in all courts of justice or judicial proceedings proof of the said Sanitary Code, and of the proceedings of such board of health in relation thereto, by the production of the book of minutes of such meeting held as aforesaid, or a transcript of the record of such proceedings duly authenticated by the secretary of the said board of health, shall be held and taken as complete and valid evidence of the said Sanitary Code, its due adoption, enactment and publication; and such Sanitary Code shall be deemed in full force and operative in the city of New York, save as duly modified or repealed by the said board of health.

How to be proved.

§ 2. This act shall take effect immediately.

CHAP. 136.

AN ACT to incorporate the American Jersey Cattle Club for improving the breeding of Jersey cattle in the United States.

PASSED April 19, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. Richard M. Hoe, Thomas H. Faile, William B. Dinsmore, Erastus Corning, John D. Wing, Samuel Sharpless, John Carter Brown, William S. Taylor, Joseph H. Rieman, John Hoey, Edwin Thorne, Herbert M. Howe and all persons who shall associate with them and their successors are hereby created a body corporate by the name of "The American Jersey Cattle Club" for improving the breeding of Jersey cattle in the United States, with power for such purpose to take by purchase, devise or otherwise, and to hold, mortgage, transfer and convey real and personal estate to the amount of not exceeding fifty thousand dollars.

Corporate name and objects.

Corporate powers. § 2. All the powers of such corporation shall be exercised by such members, officers and committees, and according to such rules and

regulations as the constitution and by-laws of the club, not inconsistent with the constitution and laws of this State and of the United States, shall from time to time direct and ordain.

§ 3. All vacancies in any of the offices of the said corporation, which may happen from time to time, shall be filled in such manner as may be directed by the vote of the club, and all officers shall hold over until their successors shall be duly elected or appointed. Vacancies.

§ 4. The said corporation shall possess all the powers and be subject to the provisions prescribed by title three of chapter eighteen of part one of the Revised Statutes, so far as the same are applicable. General powers.

§ 5. This act shall take effect immediately.

CHAP. 137.

AN ACT to repeal chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-eight, entitled "An act to repeal chapter four hundred and sixteen of the laws of eighteen hundred and seventy-six, entitled 'An act to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to Ulster county.'"

PASSED April 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-eight, entitled "An act to repeal chapter four hundred and sixteen of the laws of eighteen hundred and seventy-six, entitled 'An act to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to Ulster county,'" is hereby repealed. Chap. 176, laws of 1878, so far as relates to Ulster county, repealed.

§ 2. This act shall take effect immediately.

CHAP. 138.

AN ACT making an appropriation to continue the work on the new capitol building.

PASSED April 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one million five hundred thousand dollars is hereby appropriated out of any moneys in the treasury of the State not otherwise appropriated, to continue the work on the new capitol building, which amount shall be paid by the treasurer, upon the war- Appropriation.

rant of the comptroller, to the order of the new capitol commissioners as they shall require the same.

Work, how to be done.

§ 2. The furnishing of all the materials and the doing of the work shall be by contract, or contracts, except such portions thereof as, in the concurrent opinion of said commissioners, the interests of the State require to be done by day's work.

Contracts, how to be awarded.

§ 3. All contracts shall be awarded to the lowest bona fide responsible bidder or bidders, after being advertised by the superintendent in the State paper once in each week for four weeks consecutively, immediately preceding the letting of said contract; the notice of letting to be signed by the superintendent, and to state the work to be let, the quality, quantity, and kind of materials to be bid for, and the length of time which will be given for the completion of the work, or the delivery of materials, the amount of security required, and the bonds to be furnished for the faithful performance of the contract.

Proposals.

The proposals received shall be exhibited to the said capitol commissioners, together with the proposed contract, which, on their concurrent written approval indorsed thereon, shall be entered into on the part of the State by the said superintendent. The said contracts shall each reserve the right to the said superintendent, with the concurrence of the said commissioners, to declare the same forfeited whenever, in the judgment of said superintendent and commissioners, said contract is not being performed for the interest of the State.

Rights reserved.

Moneys to be borrowed.

§ 4. The comptroller is hereby authorized and required to borrow, from time to time, such sums as the said commissioners may require, not exceeding one million dollars in the whole, and the money borrowed shall be refunded from the moneys received from taxes levied to meet this appropriation.

How to be expended.

§ 5. The new capitol commissioners are hereby directed to expend the sum herein appropriated, or such portion thereof as may be necessary, toward the completion and furnishing of that portion of the new capitol building containing the senate chamber and its necessary approaches, and afterward that portion containing the executive chamber and its necessary approaches, and for roofing the east and south portions of the building containing those chambers. And the senate chamber shall be completed and furnished and ready for occupation, by the senate, on the first day of January, eighteen hundred and eighty-one.

§ 6. This act shall take effect immediately.

CHAP. 139.

AN ACT concerning the manufacture of salt and the inspection thereof.

PASSED April 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Salt to be made without extracting impurities.

How to be branded.

SECTION 1. The superintendent of the Onondaga salt springs shall allow salt made from the brine of said springs to be manufactured on the Onondaga salt springs reservation, without extracting the bitterns or impurities from such salt; but all such salt, whether shipped loose, in bags, barrels or packages, shall be designated and branded as impure and agricultural salt.

§ 2. No salt which, under the rules and regulations now in force, is entitled to be inspected as first quality, shall be inspected until the same shall be called for to be immediately shipped from the manufactory where the same is made; but if any loose salt, or salt contained in bags, barrels or packages shall, after the same has been inspected, have been kept in damp or exposed situations, without being properly sheltered or protected, and consequently injured, blackened or stained, either in the salt or in the package containing the same, such salt shall be reinspected and rebranded as second quality, and the absolute weight as well as the quality shall be determined by the brand of the superintendent of the Onondaga salt springs.

First quality salt, when to be inspected.

When reinspected.

§ 3. No dairy salt shall be made on the Onondaga salt springs reservation from salt made by boiling unless the same shall, in addition to the ordinary process of making the salt, be purified by a chemical process, so as to take from it all impurities as far as can be, to render it equal to the best standard of dairy salt known in the markets of this State.

Dairy salt to be purified.

§ 4. This act shall take effect immediately.

CHAP. 140.

AN ACT to place and maintain shareholders of State banks, in the assessment and taxation of their shares of stock, upon an equality with shareholders of national banks.

PASSED April 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The shareholders of any bank, banking association, or corporation doing a banking business under the general banking law or a special charter of this State, shall be assessed and taxed with respect to their shares of stock, only at the same rate and place, to the same extent, and in the same manner as shareholders of national banks may be liable at the same time to be assessed and taxed by authority of the State of New York; provided, however, that no debts shall be deducted from any such assessment of any person applying for the benefit of this act, which have been deducted from the assessment of other personal property of such person, and in making application for such deduction every person making the application shall make oath that he has not applied to have such debts deducted from any other assessments against him, and that no such deduction has been made.

Shareholders in banks to be assessed at same rate, etc., as those in national banks.

Proviso.

§ 2. It is hereby declared that the true intent and meaning of this act is to place and maintain shareholders of banks, associations and corporations aforesaid upon an equality, in the particulars in this act referred to, with the shareholders of national banks organized under the act of congress entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof, approved June third, eighteen hundred and sixty-four;" and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Intent of act to put shareholders in banks, etc., on equality.

§ 3. This act shall take effect immediately.

CHAP. 141.

AN ACT making appropriations for the support of government.

PASSED April 22, 1880; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for fiscal year.

SECTION 1. The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year one thousand eight hundred and eighty, namely:

FROM THE GENERAL FUND — EXECUTIVE DEPARTMENT.

Governor. For the governor, for salary, ten thousand dollars.

Lieutenant-Governor. For the lieutenant-governor for salary, five thousand dollars.

Secretary. For the private secretary of the governor, for salary, three thousand five hundred dollars.

Clerks, etc. For the clerks, a stenographer and a messenger, in the executive department, including, the military secretary and messenger, for full compensation twelve thousand five hundred dollars.

Furniture, etc. For furniture, blank and other books necessary for the use of the executive department, binding, blanks, printing, stationery, telegraphing and other incidental expenses thereof, three thousand dollars.

Apprehension of criminals, etc. For the executive department, for the apprehension of criminals, one thousand dollars.

For the executive department, for the apprehension of fugitives from justice, one thousand dollars.

For repairs and incidental expenses of the executive mansion, two thousand dollars.

JUDICIARY — COURT OF APPEALS.

Judges. For the judges of the court of appeals, for salaries and expenses, sixty-three thousand five hundred dollars.

Reporter. For the State reporter, for salary, five thousand dollars, and for clerk hire, two thousand dollars.

Clerk. For the clerk of the court of appeals, for salary, five thousand dollars.

Deputy. For the deputy clerk of the court of appeals, for salary, three thousand dollars.

Clerks. For clerks in the office of the clerk of the court of appeals, for salaries, four thousand five hundred dollars.

Messenger. For messenger to the clerk of the court of appeals, and the State treasurer (the same messenger) for salary, eight hundred dollars.

Furniture, etc. For furniture, books, binding, blank, printing calendar and other necessary expenses of the office of the clerk of the court of appeals, two thousand five hundred dollars.

Crier and attendants. For compensation of the criers and attendants of the court of appeals five thousand dollars.

SUPREME COURT.

For the justices of the supreme court, for salaries and expenses, two hundred and thirty-eight thousand eight hundred dollars. Justices.

For the justices of the supreme court in the second judicial district, not residing in the county of Kings, for additional compensation, pursuant to chapter seven hundred and sixty-five of the laws of eighteen hundred and sixty-eight, five thousand dollars; and for the stenographer appointed under said act, three thousand seven hundred and fifty dollars; said amounts to to be paid only from moneys which shall have been, or shall be paid into the treasury for taxes levied for the purposes of said act and in pursuance thereof. In second judicial district. Stenographer.

For the expenses of the general terms of the supreme court, five thousand dollars. General terms.

OFFICE OF THE ATTORNEY-GENERAL.

For the attorney-general, for salary, five thousand dollars. Attorney-General.

For deputies in the office of the attorney-general, for salaries, eight thousand dollars. Deputies, etc.

For clerks and a messenger in the office of the attorney-general, for salaries, five thousand dollars. Clerks.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the attorney-general, five hundred dollars. Furniture, etc.

For costs of suits, fees of sheriffs, compensation of witnesses and for expenses and disbursements by the attorney-general, two thousand dollars. Fees of sheriffs, etc.

For the expenses of the attorney-general, one thousand dollars or so much thereof as may be necessary, the amount thereof to be certified by the governor. Expense of attorney-general, etc.

For a stenographer in the office of the attorney-general, for compensation one thousand five hundred dollars.

The salaries of the deputies, clerks and messenger in the office of the attorney-general shall be fixed by the attorney-general, and he shall have the authority to employ as many deputies and clerks as he may need and a messenger, and designate their salaries out of the appropriations therefor herein made, but the aggregate of their salaries shall not exceed the total of the appropriation herein made for deputies, clerks and messenger. Salaries in attorney-general's office to be fixed by him.

OFFICE OF THE SECRETARY OF STATE.

For the secretary of State, for salary, five thousand dollars. Secretary of state.

For the deputy secretary of State and clerk of the commissioners of the land office, for salary and for indexing the session laws and making marginal notes thereof, three thousand five hundred dollars. Deputy.

For clerks in the office of the secretary of State, for salaries, sixteen thousand five hundred dollars. Clerks.

For messenger in the office of the secretary of State, for salary, one thousand dollars. Messenger.

For furniture, books, binding, blanks, printing and other necessary expenses of the office of the secretary of State, two thousand dollars. Furniture, etc.

OFFICE OF THE COMPTROLLER.

For the comptroller, for salary, six thousand dollars. Comptroller.

For deputy comptroller, for salary, three thousand five hundred dollars. Deputy-comptroller.

Clerks. For clerks in the office of the comptroller, for salaries, twenty-three thousand dollars.

Messenger. For messenger in the office of the comptroller, for salary four hundred dollars.

Furniture, etc. For furniture, books, binding, blanks, printing and other necessary expenses of the office of the comptroller, two thousand dollars.

OFFICE OF THE TREASURER.

Treasurer. For the treasurer, for salary, five thousand dollars.

Deputy. For the deputy treasurer, for salary, three thousand five hundred dollars.

Clerks. For clerks in the office of the treasurer, for salaries, seven thousand five hundred dollars.

Furniture, etc. For furniture, books, binding, blanks, printing and other necessary expenses of the office of the treasurer, eight hundred dollars.

DEPARTMENT OF PUBLIC INSTRUCTION.

Superintendent. For the superintendent of public instruction, for salary, five thousand dollars.

Deputy. For the deputy superintendent of public instruction, for salary, three thousand five hundred dollars.

Clerks, etc. For clerks in the office of the superintendent of public instruction, for salaries, eight thousand eight hundred and sixty dollars, and for messenger, for salary, three hundred and sixty dollars.

Furniture, etc. For furniture, books, binding, blanks, printing and other necessary expenses of the office of superintendent of public instruction, two thousand dollars.

Expenses, etc. For the department of public instruction, for traveling expenses which may be incurred in the visitation of common schools, normal schools, teachers' institutes, Indian schools and other institutions under the supervision of that department, five hundred dollars.

For the department of public instruction, for expenses of holding examinations of applicants for state certificates, two hundred and fifty dollars.

OFFICE OF THE STATE ENGINEER AND SURVEYOR.

State engineer and surveyor. For the State engineer and surveyor, for salary, five thousand dollars.

Deputy. For the deputy State engineer and surveyor, for salary, three thousand five hundred dollars.

Clerks, etc. For compensation of clerks, in the office of the State engineer and surveyor, to assist in the preparation of the railroad reports, two thousand five hundred dollars; and for the expense of printing and binding said reports, five thousand dollars.

Salary of deputy, etc., to be paid by railroad. The salary of the deputy State engineer and surveyor, the compensation of the clerks above mentioned, and the expense of printing and binding, as aforesaid, shall be paid and refunded to the treasury of the State by the several railroad companies of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five, and the several acts of the legislature in relation thereto.

For clerks in the office of the State engineer and surveyor, for salaries, three thousand five hundred dollars.

Furniture etc. For furniture, books, binding, blanks, printing and other necessary expenses of the office of the State engineer and surveyor, five hundred dollars.

BOARD OF AUDIT.

For the board of audit, for compensation of a stenographer, five hundred dollars; and for incidental expenses, two hundred and fifty dollars. Board of audit.

BANKING DEPARTMENT.

For the superintendent of the banking department, for salary, five thousand dollars. Superintendent.

For clerk hire in the banking department, and for furniture, books, binding, blanks, printing and other necessary expenses of the office of the superintendent of the banking department, twelve thousand dollars. Clerks, etc.

The aforesaid salary, clerk hire and other expenses above mentioned, shall be refunded to the treasury of the State by the several banks, banking associations and bankers of this State in whose behalf they are incurred, pursuant to chapter one hundred and sixty-four of the laws of eighteen hundred and fifty-one. To be refunded by banks.

INSURANCE DEPARTMENT.

For the superintendent of the insurance department, for salary, seven thousand dollars. For compensation of the deputy superintendent of the insurance department, for clerk hire, furniture, books, binding, blanks, printing and other necessary expenses of the insurance department, and for compensation of employes and clerks and expenses of examinations of insurance companies, sixty-six thousand dollars, or so much thereof as may be necessary. Superintendent. Deputy, clerks, etc.

The aforesaid salary, compensation, clerk hire and other expenses of the insurance department shall be refunded to the treasury of the State by the several insurance companies, associations, persons and agents to whom chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine applies. To be refunded by insurance companies.

STATE ASSESSORS.

For the State assessors, for compensation and traveling expenses, nine thousand dollars. State assessors.

AUCTIONEERS' ACCOUNTS.

For the agent appointed to examine the accounts of auctioneers, for compensation, one thousand two hundred dollars. Agent.

WEIGHTS AND MEASURES.

For the superintendent of weights and measures, for salary, five hundred dollars. Superintendent.

COMMISSIONERS OF QUARANTINE.

For the commissioners of quarantine, for salaries, seven thousand five hundred dollars. Commissioners.

LAND OFFICE.

For assessments and other expenses of the public lands, and for mileage of the speaker of the assembly for attendance as commissioner of the land office, one thousand dollars. Expenses of public lands.

PUBLIC OFFICES.

Postage, etc. For postage on official letters, documents and other matter sent by mail by the governor, secretary of State, comptroller, treasurer, superintendent of public instruction, attorney-general, state engineer and surveyor, adjutant-general, inspector-general and clerk of the court of appeals, five thousand dollars; and for stationery for the aforesaid public officers and their departments, four thousand dollars.

CAPITOL.

Care, etc. For the care, cleaning, labor, gas, fuel, services of assistant superintendent and other employees, and other necessary expenses of the capitol, twenty-five thousand one hundred dollars.

Repairs, etc. For repairs, cleaning, labor, gas and other necessary expenses of the old capitol building, seven thousand five hundred dollars.

Superintendent. For the superintendent of the old capitol building for salary, one thousand two hundred dollars.

STATE HALL.

Repairs, etc. For repairs, cleaning, labor, gas and other necessary expenses of the state hall, eight thousand dollars.

Superintendent. For the superintendent of the state hall, for salary, one thousand two hundred dollars.

REGENTS OF THE UNIVERSITY.

Secretary. For the secretary of the regents of the university, for salary, two thousand five hundred dollars.

Assistant secretary. For the assistant secretary of the regents of the university, for salary, two thousand dollars.

Botanist. For the botanist, for compensation for arranging the herbarium in the museum of natural history, one thousand five hundred dollars.

Expenses, etc. For expenses of postage, expressage, printing, stationery, visitation, examinations, attendance of regents at meetings of the board and for compensation of messenger and for office expenses, including clerical aid, four thousand dollars.

STATE LIBRARY.

Purchase of books. For the purchase of books for the State library, four thousand dollars, to be paid to the trustees thereof in semi-annual payments, on vouchers to be approved by the comptroller, on the first of October and April.

Binding, etc. For binding, lettering and marking books for the State library, two thousand dollars.

Repairs, etc. For repairs, cleaning, gas, transportation of books and other necessary expenses of the State library, two thousand dollars.

Salaries For the librarian, the assistants and janitor of the State library, for salaries, seven thousand eight hundred dollars.

STATE CABINET OF NATURAL HISTORY AND THE AGRICULTURAL MUSEUM.

State cabinet. For the State cabinet of natural history, for the salaries of the director and three assistants, and for the increase and preservation of the collection, ten thousand dollars.

For repairs, cleaning, labor, gas and other necessary expenses of the hall for the State cabinet of natural history, including compensation of the keeper, five thousand dollars. Repairs, etc.

For James Hall, as State geologist, as compensation for authorship, the superintendence of drawings and engravings, for clerk hire and use of working rooms, for the arranging, labelling and distribution of the duplicate fossils and minerals, as fixed by the lieutenant-governor, comptroller and secretary of state, two thousand five hundred dollars; for the persons employed in making drawings for the natural history of the State, for salaries, to be paid in such manner as may be determined by the secretary of State and the secretary of the board of regents, one thousand eight hundred dollars. Geologist.

FUEL.

For fuel for the old capitol building, the State hall, the State library and the hall for the State cabinet of natural history, three thousand five hundred dollars. Fuel.

AGRICULTURE.

For the promotion of agriculture in the State, twenty-eight thousand dollars, eight thousand dollars thereof to be distributed in premiums by the State Agricultural Society, and the remaining sum of twenty thousand dollars to be so distributed by the State Agricultural Society to the agricultural societies in counties and to the American Institute in the city of New York, in the ratio prescribed by the act to promote agriculture, passed May fifth, eighteen hundred and forty-one, and the act to provide for the distribution of moneys appropriated to promote agriculture and for other purposes, passed April twelfth, eighteen hundred and forty-eight. Agricultural societies.

LEGISLATURE.

For compensation and mileage of members and officers of the legislature, three hundred and sixty-five thousand dollars. Compensation, etc., of members.

For advances by the comptroller to the clerks of the senate and assembly, for contingent expenses, ten thousand dollars. Advance to clerks.

For postage, expenses of committees, compensation of witnesses, legislative manual, Croswell's manual, clerk's manual, indexing the bills, journals and documents of the senate and assembly, and other contingent expenses of the legislature, eighteen thousand dollars. Postage, etc.

STATE PRINTING.

For the legislative printing for the State, including binding, mapping, engraving, publication of the official canvass and other official notices provided for by contract, and continuing publication of the "Colonial History of the State," fifty thousand dollars. Printing, etc.

STATE PRISONS.

For the support and maintenance of the several State prisons, and for material and expenses of manufacturing, pursuant to chapter two hundred and forty of the laws of eighteen hundred and fifty-four, chapter forty-three of the laws of eighteen hundred and sixty-five, and chapter four hundred and fifty-eight of the laws of eighteen hundred and sixty-six, four hundred and fifty thousand dollars. Maintenance.

Superintendent. Clerk hire.

For the superintendent of state prisons, for salary, six thousand dollars; for his necessary traveling expenses, one thousand dollars; for clerk hire, one thousand dollars, and for a messenger four hundred dollars.

Compensation of sheriffs.

For the compensation of sheriffs for the transportation of convicts to the prisons, asylum for insane convicts, penitentiaries and houses of refuge, twenty thousand dollars.

Croton water, etc

For supplying Croton water to the Sing Sing prison, one thousand five hundred dollars.

For supplying water to the Auburn prison and the asylum for insane convicts, two thousand five hundred dollars.

Maintenance of convicts in penitentiaries.

For the maintenance of convicts sentenced to penitentiaries in pursuance of chapter one hundred and fifty-eight of the laws of eighteen hundred and fifty-six, chapter five hundred and eighty-four of the laws of eighteen hundred and sixty-five, chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-six, chapter five hundred and seventy-four of the laws of eighteen hundred and sixty-nine, chapter two hundred and forty-seven of the laws of eighteen hundred and seventy-four, and chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-five, thirty thousand dollars.

Refunding deposits.

For refunding deposits to prison contractors, one thousand dollars.

DISCHARGED CONVICTS.

State agency.

For the maintenance of the State agency for discharged convicts, pursuant to chapter four hundred and twenty-four of the laws of eighteen hundred and seventy-seven, five thousand dollars; and for the State agent, for salary, two thousand five hundred dollars.

ASYLUM FOR INSANE CONVICTS.

Asylum for insane convicts.

For the support and maintenance of the asylum for insane convicts, thirty thousand dollars.

STATE ASYLUM FOR LUNATICS.

Salaries.

For the officers of the State asylum for lunatics, for salaries, fifteen thousand dollars.

INDIAN AFFAIRS.

Annuities to Indian tribes.

For the payment of annuities to the several Indian tribes, as follows:

To the Onondagas, two thousand four hundred and thirty dollars.

To the Cayugas, two thousand three hundred dollars.

To the Senecas, five hundred dollars.

To the St. Regis, two thousand one hundred and thirty-one dollars and sixty-seven cents.

For the relief of the Onondaga Indians, three hundred dollars.

Agent.

For compensation of the agent of the Onondaga Indians, two hundred dollars.

For compensation of the agent of the Onondaga Indians pursuant to chapter one hundred and seventy-eight of the laws of eighteen hundred and forty-seven, and chapter six hundred and thirty-five of the laws of eighteen hundred and sixty-nine, sixty-five dollars, or so much thereof as may be necessary.

For compensation of the agent of the Onondaga Indians residing on the Allegany and Cattaraugus reservation, one hundred and fifty dollars.

For compensation of the attorney of the St. Regis Indians, one hundred and fifty dollars. Attorneys.

For compensation of the attorney of the Seneca Indians, one hundred and fifty dollars.

For compensation of the attorney of the Tonawanda band of Seneca Indians, one hundred and fifty dollars.

ONONDAGA SALT SPRINGS.

For the salary of the superintendent, the compensation of clerks and other employees, and other necessary expenses of the Onondaga salt springs, sixty thousand dollars. Salaries.

NATIONAL GUARD.

For the expenses of the national guard of the State of New York, three hundred and fifty thousand dollars. National guard.

ROADS.

For the payment, to commissioners, of moneys received into the treasury for taxes of non-residents, appropriated for the construction of roads, six thousand dollars. Payments to commissioners.

COUNTY TREASURERS.

For advances to county treasurers on account of taxes on property of non-residents, which may be returned to the comptroller's office, sixty thousand dollars. County treasurers.

TRANSPORTATION.

For expenses of transportation of the session laws, journals and documents of the legislature, reports, books and packages by express, for the public offices, and for the expense of boxes therefor, five thousand dollars. Transportation.

REPAYMENT OF MONEYS.

For repayment of money to purchasers upon redemption of land sold for taxes, fifty thousand dollars. Repayments to purchasers.

For repayment of money erroneously paid into the treasury for taxes, ten thousand dollars. Erroneous payments, etc.

For repayment of money in cases of failure of titles to land sold by the State, three hundred dollars.

For repayment of money paid into the treasury of the State through mistake, five hundred dollars.

MISCELLANEOUS.

For supplying other States with reports of the court of appeals and of the supreme court, five hundred dollars. Court of appeals reports.

For the prosecution of the State survey, pursuant to chapter two hundred and sixteen of the laws of eighteen hundred and seventy-eight, fifteen thousand eight hundred dollars. State survey.

Adirondack survey. For the prosecution of the Adirondack survey, pursuant to chapter three hundred and seventy of the laws of eighteen hundred and seventy-eight, ten thousand dollars.

Deaf mutes' journal. For supplying the deaf mutes' journal to the deaf and dumb persons in this State, six hundred and fifty dollars.

Pilot commissioners. For the expenses of the board of pilot commissioners, New York, four thousand five hundred dollars.

Inspector of gas-meters. For the inspector of gas-meters, for salary and contingent expenses, two thousand five hundred dollars. But no payment shall be made by the comptroller toward such salary and expenses until an amount equal to such payments shall have been received by him for such purposes, from the gas-light companies of this State.

Shore inspector. For the shore inspector, for salary, two thousand dollars, payable as provided in chapter six hundred and four of the laws of eighteen hundred and seventy-five.

Washington's head-quarters. For the trustees of Washington's head-quarters at Newburgh, for compensation of the superintendent and for the care, maintenance, repair and improvement of the grounds, one thousand dollars.

SOLDIERS AND SAILORS' HOME.

Soldiers' and sailors' home. For the support and maintenance of the New York State Soldiers and Sailors' Home, and for transportation of applicants for admission, seventy-five thousand dollars.

DEAF AND DUMB.

Support of pupils. For the support and instruction of three hundred and thirty-five pupils at the Institute for Deaf and Dumb in New York, seventy-five thousand three hundred and seventy-five dollars.

New York. For the support and instruction of eighty pupils at the Institution for the Improved Instruction of Deaf-mutes in New York, eighteen thousand dollars.

Le Conteulx St. Mary's. For the support and instruction of fifty pupils at Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf-mutes at Buffalo, eleven thousand two hundred and fifty-dollars.

Central New York. For the support and instruction of ninety pupils at the Central New York Institution for the Improved Instruction of Deaf-mutes at Rome, twenty thousand two hundred and fifty dollars.

St. Joseph's. For the support and instruction of sixty-four pupils at the St. Joseph's Institution for the Improved Instruction of Deaf-mutes at Fordham, fourteen thousand four hundred dollars.

Western New York. For the support and instruction of seventy-five pupils at the Western New York Institution for Deaf-mutes at Rochester, sixteen thousand eight hundred and seventy-five dollars.

A proportionate amount for a shorter period of time than one year, or for a smaller number of pupils in each case, shall be allowed in each of the last six items, and paid by the comptroller upon the certificate, verified by the oath of the president and secretary of such institution, and upon the approval of the superintendent of public instruction.

THOMAS' ASYLUM.

Thomas' Asylum. For the Thomas' Asylum for orphan and destitute Indian children, for the education and maintenance of one hundred children, at the rate of eighty-five dollars per capita, eight thousand five hundred dollars.

BLIND.

For the support and instruction of two hundred pupils for one year at the institution for the blind, in New York, forty-five thousand dollars; or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by the affidavits of the president and secretary of the institution. Support of pupils.

For the maintenance of the institution for the blind, at Batavia, thirty-five thousand dollars. Blind at Batavia.

JUVENILE DELINQUENTS.

For the society for the reformation of juvenile delinquents, in the city of New York, forty thousand dollars. Society for reformation of.

WESTERN HOUSE OF REFUGE.

For the Western House of Refuge, for juvenile delinquents, seventy thousand dollars. House of refuge.

IDIOT ASYLUM.

For the State asylum for idiots, forty-five thousand dollars. State asylum.

CUSTODIAL ASYLUM.

For the support and maintenance of the inmates of the Custodial Asylum, for the services of attendants therein, and for other necessary expenses of said asylum, fifteen thousand dollars. Maintenance of asylum.

WILLARD ASYLUM.

For the officers of the Willard Asylum for the insane, for salaries, eleven thousand eight hundred and fifty dollars. Salaries.

For the support of Mark Jack, an insane Indian, at the asylum, two hundred and fifty dollars.

BINGHAMTON ASYLUM.

For the officers of the Binghamton Asylum for the chronic insane, for salaries, seven thousand five hundred dollars. Salaries.

HUDSON RIVER STATE HOSPITAL.

For the officers of the Hudson River State Hospital for the insane, for salaries, eight thousand dollars. Salaries.

STATE HOMŒOPATHIC ASYLUM.

For the officers of the State Homœopathic Asylum for the insane, for salaries, eight thousand dollars. Salaries.

STATE BOARD OF CHARITIES.

For the State commissioner in lunacy, for salary, four thousand dollars; and for his traveling and other incidental necessary expenses, one thousand dollars or so much thereof as may be necessary. State commissioner in lunacy.

For the secretary of the board of charities, for salary, three thousand five hundred dollars; and for the traveling expenses of the commissioners and the secretary, and for office expenses, clerk hire and contingent expenses, four thousand dollars. Salaries.

Support of paupers. For the support and care of State paupers, twenty-five thousand dollars.

PAYABLE FROM THE FREE SCHOOL FUND.

Common schools. For the support of the common schools of this State, two million seven hundred and fifty thousand dollars.

Normal school. For the State Normal school at Albany, for its maintenance, eighteen thousand dollars.

For the State Normal and Training schools, at Buffalo, Brockport, Cortland, Fredonia, Geneseo, Oswego and Potsdam, for their maintenance, to each of them, eighteen thousand dollars.

Teachers' institute For the maintenance of the teachers' institute, pursuant to chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, eighteen thousand dollars.

PAYABLE FROM THE SCHOOL FUND — CAPITAL.

For investment. For investment of the capital of the common school fund, pursuant to section eight of chapter one hundred and ninety-four of the laws of eighteen hundred and forty-nine, fifty thousand dollars, or so much thereof as may be necessary.

REVENUE.

Dividends to common schools. For dividends to common schools, one hundred and seventy thousand dollars.

Indian schools. For the support of Indian schools, five thousand dollars.

Refunding moneys. For refunding money paid into the treasury for redemption of lands sold for arrears of consideration, five hundred dollars.

For refunding surplus moneys received on resales of lands, five hundred dollars.

Expenses. For expenses of lands, two hundred dollars.

PAYABLE FROM THE LITERATURE FUND.

Dividends to academies. For dividends to academies, twelve thousand dollars.

Text-books, etc. For the purchase of text-books, maps and globes, philosophical and chemical apparatus for academies, three thousand dollars.

PAYABLE FROM THE UNITED STATES DEPOSIT FUND — CAPITAL.

U. S. deposit fund. For investment of the capital of the United States deposit fund, fifty thousand dollars, or so much thereof as may be necessary.

REVENUE.

Salaries of school commissioners, etc. For dividends to common schools, including the salaries of the county school commissioners, one hundred and sixty-five thousand dollars.

For dividends to academies, twenty-eight thousand dollars.

For amount to be added to the capital of the school fund, twenty-five thousand dollars.

Instruction of teachers. For instruction of common school teachers in the academies and union schools designated by the regents of the university, thirty thousand dollars; and for establishing and conducting examinations, five thousand dollars, in accordance with chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-seven.

For refunding money erroneously paid into the treasury, one thousand dollars.

PAYABLE FROM THE COLLEGE LAND SCRIP FUND — REVENUE.

For the Cornell University, twenty-five thousand dollars. Cornell university.

PAYABLE FROM THE CORNELL ENDOWMENT FUND — REVENUE.

For the Cornell University, eight thousand dollars.

PAYABLE FROM THE MILITARY RECORD FUND — REVENUE.

For the expenses of the bureau of military statistics, three thousand dollars. Bureau of military statistics.

PAYABLE FROM THE ELMIRA FEMALE COLLEGE EDUCATIONAL FUND — REVENUE.

For the Elmira Female College, three thousand five hundred dollars. Elmira Female College.

The amounts herein appropriated shall be paid by the treasurer from the respective funds as specified, and the salaries named shall be established and fixed by this act for the several officers for whom they are designed; but the comptroller shall not draw his warrant for the payment of the several amounts heretofore named, except for salaries and other expenditures and appropriations, the amounts of which are duly established and fixed by law, until the persons demanding them shall present to him a detailed statement in items, of the same; and if such account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when, where and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and if the demand shall be for traveling expenses, the account must also specify the distance traveled, the places of starting and destination, the duty or business, and the dates and items of expenditure. All accounts must be verified by an affidavit to the effect that the account is true, just and correct, and that no part of it has been paid, but is actually and justly due and owing. On all accounts for transportation, furniture, blank and other books, purchased for the use of office, binding, blanks, printing, stationery, postage, cleaning and other necessary and incidental expenses, a bill duly receipted must also be furnished; and it shall be the duty of the treasurer to report annually to the legislature the details of these several expenditures. Appropriations, how to be paid. Accounts to be verified.

CHAP. 142.

AN ACT to ascertain the citizens of the several towns in any county of this State having a population of over three hundred thousand according to the last census, who shall be entitled to the right of suffrage therein.

PASSED April 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever fifty or more resident citizens and legal voters of any town, in any county in this State having a population of over three hundred thousand according to the last State census, shall file Whenever fifty persons file request

the town clerk shall notify supervisor and justices to meet and form a board.

in the office of the town clerk of such town, in writing, a request that the citizens of such town, entitled to the right of suffrage, be ascertained, the town clerk shall, within five days thereafter, notify the justices of the peace and supervisor of said town to meet, and in such notice shall name a time and place in said town, not less than three or more than ten days thereafter, for them to meet. Such justices and supervisor and the town clerk shall at the time and place so designated meet, and shall constitute a board with power to do and perform the acts and duties hereinafter required.

Quorum. To appoint five registers.

§ 2. The presence of at least four of said board shall be necessary to constitute a quorum. When so convened they shall proceed to appoint, under their hands and seals, five citizens and legal voters of said town, who shall have been residents of said town for at least one year next before their appointment as registers, to act as and be known as the board of registry of said town. Said registers shall be selected from the two opposing political parties which cast the greatest number of votes at the then next preceding general election, and not more than three of them shall be at any time taken from or belong to either of said political parties. If any person so appointed fails or refuses to serve, or if a vacancy at any time shall occur, the other members of the board shall fill the vacancy by appointment.

To be selected from opposite political parties.

Vacancies.

Town clerk to give notice to registers.

§ 3. The persons so appointed shall be notified by the town clerk within five days thereafter, and thereupon and at least thirty days before the next annual town meeting or general election, they shall meet and organize as a board of registry by electing a chairman and clerk. They shall then fix the times and places at which they will meet for the purpose of ascertaining the citizens of said town entitled to the right of suffrage therein, which meetings shall be on four different days, from eight o'clock in the morning until nine o'clock in the evening, for the purpose of registration, the last day shall be for the purpose only of revising and correcting the roll, and shall be at least ten days before the next ensuing annual town meeting or general election.

Time and place of meeting to be fixed.

To be on four different days.

Board of registry to cause notice of meetings to be given.

§ 4. The said board of registry shall immediately after organization cause such notice of their meetings for registration to be given, as in their judgment shall be reasonable and sufficient, by advertising the same in at least one newspaper of each party, if there be one having a circulation in said town, and by posting ten or more notices in such town, in as many public and conspicuous places as they shall deem necessary and sufficient to notify the resident electors of said town.

Who not entitled to vote.

§ 5. No person shall be entitled to vote at, or take part in, such election or town meeting except as ascertained to be entitled to the right of suffrage, as herein provided.

Duty of board of registry.

§ 6. At the times of meeting of the board of registry they, or a majority of them, shall have power to act, and shall take and enter on five lists the name and residence of each person appearing before them and claiming to be qualified and entitled to the right of suffrage, who shall not be challenged. And the citizens of such town entitled to and claiming the right to vote at the ensuing election or annual town meeting may attend before said board of registry for the purpose of registration.

Persons offering themselves for registry and challenged to take oath.

§ 7. If any person so offering himself for enrollment shall be challenged by any member of said board, or by any person entitled to vote in said town, the said board of registry, or any member thereof, shall tender to him the oath required to be administered to persons when votes are challenged at general elections. And if the same is taken,

then the name of such person shall be entered on the list of voters, and not otherwise. And it shall be the duty of every member of said board to challenge every person offering himself for registration who is, in his opinion, not entitled to vote, and who will not be entitled to vote at the next ensuing election or town meeting.

If taken, name to be entered.

Duty of members to challenge.

§ 8. Any person not born in the United States, claiming to be a citizen by naturalization, applying to have his name placed on the registry, must produce a certificate of naturalization from a court of competent jurisdiction, or prove by his oath or affirmation to the board of registry that such a certificate has been issued, and that the same has been lost or destroyed.

Naturalized citizens to produce certificate, etc.

§ 9. The said board of registry shall make one complete list of all the names registered, in alphabetical order, for each election district, with the place of residence of each, as near as may be, which shall be signed by the members of said board and filed by them in the town clerk's office of said town at least one week preceding every town meeting and general election; and said town clerk shall cause a copy thereof, certified by him, to be delivered to the officers presiding at the ensuing annual town meeting, and at each election district at the annual general election in said town at the opening of the polls, who shall reject the vote of any person not on said list. But any registered person offering to vote at such election or town meeting may be challenged, the same as if this act had not been passed; and no person shall be allowed to vote save in the election district of which he is a resident.

Lists to be made.

Registered persons may be challenged.

§ 10. On the Saturday preceding the day of election it shall be the duty of the said registers of election to hold a meeting from four to ten o'clock P. M. for the revising and correcting the registries of election, to receive testimony and arrange for challenge at the polls; but no name shall be added to any registry at such meeting, except upon proper proofs being furnished that the person applying for registration was sick or absent from the town on all days when the said registers had theretofore met for the purpose of registering votes, or that such person had become a citizen by naturalization ten days prior to the day of election.

Meeting to be held on Saturday preceding election.

§ 11. Any officer of the town or any member of the board of registry charged with any of the duties herein imposed who shall willfully or corruptly neglect or refuse to perform any of the duties herein intrusted to or devolved upon him shall be guilty of a misdemeanor and punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

Willful or corrupt neglect of duty a misdemeanor.

§ 12. Any person who shall, with the intent of voting illegally at any such annual town meeting or election, procure or cause his name to be entered or enrolled as entitled to the right of suffrage in said town, being at the time a non-resident in said town, or otherwise disqualified to vote therein, and knowing or having reason to believe that he will not be entitled to vote at the ensuing election or town meeting therein, shall be deemed guilty of a misdemeanor and punishable by fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

Penalty for illegally causing name to be registered.

§ 13. Any person who shall willfully and corruptly swear falsely before said board of registry shall be guilty of perjury.

False swearing to be perjury.

§ 14. Before said board of registry shall commence the registration of voters, as herein provided, each member of it shall take and subscribe an oath that he will, in all respects, well, faithfully and honestly

Official oath.

discharge and perform all his duties as a member of such board of registry, which oath shall be filed in the office of the town clerk of said town.

Term of office. § 15. The members of said board of registry shall hold their office for two years from the time of their appointment.

Compensation. § 16. The members of the board of registry and the justices of the peace, while in the discharge of their duties hereby created, shall receive two dollars per day and all necessary expenses, which shall be audited and allowed by the board of town auditors.

§ 17. This act shall take effect immediately.

CHAP. 143.

AN ACT for the better security of mechanics, laborers and others who perform labor or furnish materials for buildings and other improvements on land in the city of Buffalo.

PASSED April 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Any person performing labor, etc., to have lien. SECTION 1. Any person who shall hereafter perform any labor or furnish any materials which have been used, or are to be used, in building, altering or repairing any house, building or other improvement upon lands or appurtenances to such house or building, by virtue of any contract with the owner thereof, or his agent, or with any contractor or sub-contractor, or any other person contracting with the owner of such lands to build, repair, alter or improve, as aforesaid, within the city of Buffalo, shall, upon filing the claim prescribed in the fifth section of this act, have a lien for the value of such labor and materials upon such house, building and appurtenances, and upon the lot of land upon which the same stand, to the extent of the right, title and interest at that time existing, of such owner, in the manner and to the extent hereinafter provided; but such owner shall not be obliged to pay for or on account of such house, other building or appurtenances, in consideration of all the liens authorized by this act to be created, any greater sum or amount than the price stipulated and agreed to be paid therefor in and by such contract, except in the case provided in the third section of this act, nor shall the liens in the aggregate exceed the amount which the owner would be otherwise liable to pay at the time of the filing of the claims prescribed by section five of this act.

Must file claim.

Proviso.

Persons furnishing materials may give owner or his agent notice. § 2. Any person, persons or firms furnishing any materials which have been used, or which are to be used in building, altering or repairing any house or other building, or appurtenance to any building, in the city of Buffalo, pursuant to any contract, express or implied, with any person other than the owner, and any person, persons or firms, who have performed or are performing or rendering any service or labor in erecting, altering or repairing any house or other building, or appurtenance to any building, in the city of Buffalo, pursuant to any contract, express or implied, with any person other than the owner, may give the owner thereof, if in said city of Buffalo, or if absent therefrom, his authorized agent or attorney, notice that such materials have been furnished or are being furnished, or are thereafter to be fur-

nished pursuant to any such contract, express or implied, or that such service or labor has been performed, or is being performed pursuant to any such express or implied contract, or is thereafter to be performed, and such owner shall retain from the amount due or unpaid the contractor of said house, building or appurtenance, if erected, altered or repaired, by contract, or from the person or persons entitled to compensation therefor from such owner, if the same is not done by contract, sufficient to pay for such materials, service or labor, provided there remains unpaid a sufficient amount for that purpose.

Owner shall retain amount from sum due contractor.

§ 3. If after the giving of such notice the said owner of such house or other building shall, by collusion or otherwise, pay either to the contractor, or the persons entitled by the terms of the contract to receive compensation from such owner for erecting, altering or repairing as aforesaid, and there shall not remain unpaid sufficient to pay for such materials or service or labor, and said contractor, or person entitled, by the terms of the contract, to receive compensation from such owner for such erecting, altering or repairing or for such service or labor, then said owner shall be liable to the amount that would have been due had no payments been made after the giving of such notice; and the person, persons or firms furnishing such materials or rendering such service or labor may, by filing claim and serving notice thereof within the time provided in the fifth section of this act, of the service or labor done or performed, and of the materials furnished or to be furnished in erecting, altering or repairing such house or other building, stating the price thereof, such claim to be filed and notice thereof to be served in the manner provided in the fifth section of this act; and the person, persons or firms so filing said claims and serving said notice shall have a lien upon such house or other building and appurtenances and the lot of land upon which the same stands, for the value of such services or labor or materials to the amount that would have been unpaid had said owner made no payments either to said contractor or person entitled by the terms of the contract to receive compensation from such owner for furnishing such materials, or performing or rendering such labor or service, after giving of the notice provided for in the second section of this act.

If owner, after notice is given, pays contractor, he shall be liable to persons furnishing materials, etc.

Persons giving notice, etc., shall have lien.

§ 4. Any person, persons or firms furnishing materials or rendering or performing service or labor in erecting, altering or repairing any house or other building or appurtenance, to or for any person other than the owner thereof, may, at the time of giving such notice as in this act provided, demand of the owner of such house or other building, or of his authorized agent, the terms of the contract or agreement by which or under which said house or other building or appurtenance is being erected, altered or repaired, and the amount due or unpaid the person, persons or firms erecting, altering or repairing the same; and if such owner or his said agent, at the time of said demand, shall neglect or refuse to inform the person making such demand of the terms of the contract or agreement upon which said house or other building or appurtenance is being erected, altered or repaired, and the amount due or unpaid upon such contract or agreement therefor, or shall, intentionally and knowingly, falsely state the terms of said contract or agreement or the amount due or unpaid thereon; and if the person, persons or firms furnishing such materials or rendering or performing such service or labor shall sustain loss by reason of such refusal or neglect or false statement, the said owner shall be liable to them in an action therefor, and the return of an execution unsatisfied against the party to whom such materials were furnished, or for whom

Owner must, on demand, furnish terms of contract and amount due to persons furnishing materials or doing work.

In case loss is sustained by reason of refusal owner liable.

such labor and service was performed, in an action for the collection of the value thereof, shall be sufficient proof of such loss; or the person, persons or firms furnishing such materials or rendering or performing such service or labor shall, by filing claim within the time by this act provided, and serving the notice thereof as in this act provided, have a lien upon such house or other building and appurtenances, and the lot of land upon which the same stands, as in this act provided, for all the materials furnished, or labor, or service rendered or performed after such neglect, refusal or false statement.

Time within which notice of lien must be filed.

§ 5. Every original contractor within four months after the completion of his contract, and any person, persons or firms, save the original contractor claiming the benefit of this act, must within sixty days after the performance of the work, or the furnishing the materials for which the lien is claimed, file with the county clerk of Erie county a claim containing the names and residence of the claimants, the nature and amount of the work performed, or the materials furnished or to be furnished, with the name of the owner or reputed owner, if known, the name of the person by whom he was employed, or to whom he furnished, or is about to furnish, such materials with a statement of the terms, time given, and conditions of his contract, and whether all the work for which the claim is made has been actually performed or furnished, and if not, how much of it, and also a description of the property to be charged with a lien sufficient for identification, which claim must be verified by the oath of himself or one of several united in interest, or of some other person. The verification must be to the effect that the statements contained in the claim are true to the knowledge of the person making the same. If his or their contract, or any part thereof, be in writing, a copy of such writing must be filed with and made a part of his or their claim. Every person other than the original contractor shall, within ten days after filing his claim, as herein provided, serve a copy of such claim upon said owner by delivering the same to him personally, or if he be absent from said city or cannot be found therein, then by serving such copy upon his authorized agent or attorney, but if said owner have no authorized agent or attorney, then by serving such copy upon the person in the possession of the premises against which such claim is made.

What notice must contain.

Verification.

Copy of claim to be served upon owner.

"Lien docket" to be kept by county clerk.

§ 6. The clerk of the county of Erie shall provide and keep a book which shall be called the "lien docket," in which he shall enter alphabetically, the names of the owners, and opposite to them the names of the claimants and a description of the premises against which the claim is filed sufficient for identification, and the time of filing such claim. And the said clerk shall in each case receive the sum of twenty cents.

Liens to be "preferred."

§ 7. The liens provided for in this act shall be preferred to any conveyance, judgment, mortgage or other incumbrance of which the lien-holder had no notice, and which was not docketed or recorded at the time of the filing of the claim referred to in the fifth section of this act. In cases in which the owner has made an agreement to sell and convey the premises to the contractor or other person, such owner shall be deemed to be the owner, within the intent and meaning of this act, until a deed shall have been actually delivered conveying said premises in fee simple, pursuant to such agreement.

Who deemed owner in case of contract to sell.

Lien only to bind property for one year.

§ 8. No lien provided for in this act shall bind the property therein described for a longer period than one year after the claim has been filed, unless within that time an action be commenced to enforce the same, and a notice of the pendency of such action be filed with the

county clerk of the county of Erie, containing the names of the parties, the object of the action, the description of the premises affected thereby, and the time of filing the claim. And when a claimant is made a party defendant to any action brought to enforce any other lien, such action shall be deemed an action to enforce the lien of such defendant who is a claimant within the provisions of this section. But the neglect to file such notice shall not abate any action which may be pending to enforce the lien, and such action may be prosecuted to judgment against the persons personally liable for the debt.

When a claimant is made defendant, action deemed to be brought to enforce his lien also.

§ 9. Any claimant who has filed the claim mentioned in the fifth section of this act may enforce his claim against the property therein mentioned, and against the persons liable for the debt, by a civil action in a court of record held in said city.

Enforcement of claim by action.

§ 10. The manner and form of instituting and prosecuting any such action to judgment, and any appeal from such judgment, shall be the same as in actions for the foreclosure of mortgages upon real property, except as herein otherwise provided.

Form of action.

§ 11. The person filing the claim, or the assignee of such person, shall be the plaintiff in such action. The plaintiff must make all parties who have filed claims against the property, as well as those who have subsequent liens or claims by judgment, mortgage or conveyance, parties defendant. And as to all persons against whom no personal claim is made, the plaintiff may, with the summons, serve a notice stating briefly the object of the action, and that no personal claim is made against them. But all persons who have filed claims under this act may, by answer in such action, set forth the same, and the court in which the action is brought may settle and determine the equities of all the parties thereto, and decide as to the extent, justice and priority of the claims of all parties to the action, and upon every counter-claim and set-off alleged therein.

Claimant to be plaintiff.
Who to be made parties.
Notice to be served with summons.

§ 12. Any number of persons claiming liens upon the same property may join in the same action, and when separate actions are commenced, the court in which the first was brought may, on the application of the owner of the property, or of any part thereof, or of any party to either action, consolidate them.

Claimants may join in same action.

§ 13. At any time after the action is commenced, the owner of the property affected may, in writing, offer to pay into court any amount stated in the offer, or to execute or deliver any securities or papers which he may describe in discharge of the property. If the offer is accepted in writing within ten days thereafter, the court in which the action is pending may make an order, that on deposit with the clerk of the court of the amount offered, or the securities or papers described, the lien be discharged, and the money or securities deposited thereafter take the place of the property upon which such lien was created, and shall be subject to the same. In case the offer shall not be accepted within ten days and the plaintiff fails to recover any more favorable judgment against the property, he shall pay all costs in the action incurred by the owner from the time of the offer.

Owner may offer to pay into court, etc.
Proceedings, if offer is accepted.
If not accepted.

§ 14. All persons entitled to liens on the house, building or improvement, except those who contracted with the owner thereof, shall be deemed sub-contractors; and the court in the judgment shall direct the amount due sub-contractors to be paid out of the proceeds of sales before any part of such proceeds are paid to the contractor. In case of several buildings erected, altered or repaired under one contract and of conflicting liens, each shall have priority on the particular building where his labor is performed or his material used. Persons standing

"Sub-contractors," who to be deemed.
Priority of liens.

in equal degree as co-laborers, or various persons furnishing materials, shall have priority according to the date of filing their liens. Where several lien notices are filed for the same demand, as in case of a contractor including claims for workmen to whom he is indebted, and a lien by the workmen, the judgment shall provide for the proper payments, so that under the liens filed double payment shall not be required; but no payments voluntarily made upon any claim which has been filed as a lien shall impair the lien of any person except the lien of the person so paid.

Court to declare rank of lien.

§ 15. In every case in which different liens are asserted against property the court in the judgment must declare the rank of each lien or class of liens, and the proceeds of the sale of the property must be applied to each lien or class of liens in the order of its rank.

In case owner has contracted to pay in bills or notes, etc.

§ 16. Whenever, by the terms of his contract, the owner has stipulated for the delivery of bills, notes, or other obligations or securities, or of any other species of property, in lieu of money, the judgment must direct that such substitute be delivered or deposited as the court may direct, and the property affected by the liens can only be directed to be sold in default of the owner to deliver such substitutes within such time as may be directed.

Judgment for deficiency.

§ 17. Whenever, on the sale of property subject to the lien, there is a deficiency of proceeds, judgment may be docketed for the deficiency against the persons named in the judgment as personally liable therefor, and therein adjudged to pay the same in like manner and with like effect as in actions for the foreclosure of mortgages.

Lien, how discharged.

§ 18. The lien may be discharged as follows:

1. By filing a certificate of the claimant or his successor in interest, acknowledged or proved in the same manner as the satisfaction of a mortgage, stating that the lien is satisfied and may be discharged.

2. By the deposit with the clerk, if before the suit, of a sum of money equal to the amount claimed, with interest to the time of such deposit.

After commencement of action.

3. After the commencement of an action, by the deposit with the clerk of the court, of such sum as in the judgment of the court, after due notice to all claimants, parties to the action, will be sufficient to pay any judgment which may be recovered against the property.

Bonds in lieu of deposit.

4. In lieu of such deposit, as prescribed in the last preceding subdivision of this section, the court may require the execution and delivery to the clerk of the court of a bond, in such penalty as the court may direct, executed by two sufficient sureties, conditioned for the payment of any judgment which may be rendered against the property in the action. The sureties must justify in at least double the penalty named in the bond. A copy of the bond, with a notice that the sureties will attend and justify before the court or a justice thereof, at a time and place therein named, not less than five days thereafter, must be served on the claimant or his attorney. Upon the approval of such bond, the court may make an order discharging the lien.

Sureties to justify.

By lapse of time.

5. By lapse of time, when one year has elapsed from the time of filing the claim, and no action has been commenced to enforce such claim as provided in section eight of this act.

By order of court in case of neglect to prosecute.

6. By order of the court, for neglect of the claimant to prosecute the same, the owner of the property, or of any part thereof affected by any claim filed under this act, or the person against whom the claim is made, may, at any time after filing of any claim, serve a notice in writing upon the claimant, or upon any one of the several united in interest, requiring such claimant to commence an action to enforce the claim within a time to be specified in the notice, but not less than ten days

from the time of such service, or to show cause at a special term of any court of record in said city, at a time to be specified in such notice, why the claim so filed should not be vacated and canceled of record. Thereupon, upon due proof of the service of such notice that no action has been commenced to enforce the claim, the court may make an order that the claim be vacated and canceled of record. And it shall not be lawful to file a claim for the same cause against the same property or any part thereof.

Costs.

§ 19. Costs in all actions under this act, except as provided in section thirteen, shall be allowed upon the same principles and by the same rules as they are, or may be allowed by statute in civil actions in courts of record, and shall form a part of the judgment, but in cases where the amount of the recovery is less than fifty dollars, no more costs than damages shall be allowed the party recovering such judgment, and such costs, exclusive of disbursements, shall not exceed twenty dollars.

Only to apply to Buffalo.

§ 20. This act shall apply to the city of Buffalo only.

Acts repealed.

§ 21. The following acts and parts of acts, so far as the same relate to the city of Buffalo, heretofore passed by the legislature of the State, are hereby repealed, namely:

1. Of the laws of eighteen hundred and forty-four, chapter three hundred and five.

2. Of the laws of eighteen hundred and fifty-one, chapter five hundred and seventeen.

3. Of the laws of eighteen hundred and seventy-one, chapter eight hundred and seventy-two.

Acts, how to be construed.

But this act shall not be so construed as to affect, enlarge, invalidate or defeat any lien or right of lien now existing or any proceeding to enforce such lien now pending by virtue of any of the provisions of the acts hereby repealed.

When to take effect.

§ 22. This act shall take effect immediately, except that the provisions of this act relating to the fees to be paid to the county clerk of Erie county, for entering and filing the claim, as provided in this act, shall not take effect until January first, eighteen hundred and eighty-three.

CHAP. 144.

AN ACT to amend section five, title three of chapter two hundred and ninety-one, laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED April 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five, title three of chapter two hundred and ninety-one, laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Trustees may organize a fire department, etc.

§ 5. The trustees are authorized and empowered to organize a fire department, and provide for the government and discipline of the same, to consist of one or more engine companies, one or more hook and ladder companies, and one or more hose companies, and one or

CHAP. 149.

AN ACT amending the Code of Civil Procedure.

PASSED April 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 831, amended.

SECTION 1. The Code of Civil Procedure, as enacted on the second day of June, eighteen hundred and seventy-six, and amended by subsequent statutes, is hereby amended as follows, that is to say: Section eight hundred and thirty-one, so that it will read as follows:

Husband and wife, when competent as witnesses for or against each other, etc.

§ 831. A husband or a wife is not competent to testify against the other upon the trial of an action, or the hearing upon the merits of a special proceeding founded upon an allegation of adultery, except to prove the marriage. A husband or wife shall not be compelled, or without consent of the other, if living, allowed to disclose a confidential communication made by one to the other during marriage. In an action for criminal conversation, the plaintiff's wife is not a competent witness for the plaintiff, but she is a competent witness for the defendant as to any matter in controversy, except that she cannot, without the plaintiff's consent, disclose any confidential communication had or made between herself and the plaintiff.

§ 2. This act shall take effect immediately.

CHAP. 150.

AN ACT to authorize the treasurer of Orleans county to sell property for unpaid taxes.

PASSED April 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Treasurer to collect unpaid taxes.

SECTION 1. It shall be the duty of the county treasurer of Orleans county to collect annually all unpaid taxes upon lands in said county levied for State, county or town purposes in the manner hereinafter provided.

To transmit to comptroller account of unpaid taxes.

§ 2. It shall not be the duty of the country treasurer of the county of Orleans to transmit to the comptroller any account of unpaid taxes assessed upon corporations or upon lands of non-residents, or of unknown owners in said county, or any collector's affidavit in relation thereto; nor shall the comptroller credit the said treasurer of said county with any unpaid taxes on lands or upon corporations, whether assessed to residents or as non-resident land; but the whole amount of any State tax unpaid on property in said county of Orleans shall be paid by the said treasurer of Orleans county to the treasurer of the State on or before the first day of May, after the same shall have been assessed upon the real and personal estate of said county retaining the compensation to which he may be entitled. The county treasurer shall procure all blanks and books made necessary by the provisions of this act, and the board of supervisors shall provide for

Books and blanks.

the payment for the same, in the same manner as other county expenses are provided for. The county treasurer shall keep in a book for that purpose, a correct and true account of all proceedings under this act.

Temporary loans to pay state tax

§ 3. If there are not sufficient funds then in the county treasury standing to the credit of the several towns in said county to pay such State tax, the county treasurer of said county shall make provision for the payment of the same by temporary loans upon the credit of said county, and charge the same to the towns in such amounts as they may respectively be deficient. The comptroller may extend the time for the payment of such deficiency for not more than four months, charging interest thereon at the rate of six per centum per annum from the said first day of May.

Taxes to be rejected.

§ 4. The county treasurer of said county shall examine the accounts of arrears of taxes received from the collectors of the town, and shall reject all taxes on lands that shall be imperfectly described, and all taxes so erroneously assessed in form or substance that the collection of the same cannot be enforced, and shall immediately deliver a transcript thereof to each supervisor of the town or towns in which the property so rejected shall be located, who shall, within thirty days thereafter, cause a correct description of the lands so imperfectly described to be made and returned to the said treasurer.

Treasurer's compensation.

§ 5. No commission shall be allowed by the county treasurer upon taxes returned to him uncollected by the collectors in the several towns and wards, but such treasurer may add five per centum to the amount thereof to be retained by him as compensation for services imposed by this act.

When tax, interest and fee are not paid, treasurer to advertise and sell real estate.

§ 6. Whenever any tax charged on real estate returned to the county treasurer, and the interest at the rate of ten per centum per annum to be computed from the first day of February when such tax was payable, together with the fees thereon, shall remain unpaid for six months succeeding the said first day of February, the county treasurer shall proceed to advertise and sell such real estate in the manner herein provided for the payment of such tax, fees and interest, and the expenses of procuring description, publishing notices and of conducting the sale, which shall be a charge on the lands sold, and shall be added to the other charges thereon. Should any errors be discovered in the description of the land so assessed and taxed, the said treasurer may correct the same at any time previous to the sale. In the event that the same land shall be twice assessed and taxed, and the taxes thereon once paid, the treasurer shall return one of such amounts to the board of supervisors, who shall provide for the deficiency arising therefrom.

Errors to be corrected.

Notice of sale to be published.

§ 7. The said treasurer of Orleans county shall, immediately after the expiration of the aforesaid six months, cause to be published, at least once in each week for six weeks in the two public newspapers designated by the board of supervisors of said county for the publication of the session laws, a list or statement of the real estate charged with such tax, fees and interest and so liable to be sold, and also a notice that the said real estate will on a day at or after the expiration of the said six weeks, to be specified in such notice, and the succeeding days, be sold at public auction at the court-house in the village of Albion, in said county, to discharge the taxes, fees, interest and expenses aforesaid, which may be due thereon at the time of sale, the publishing of the said notice not to exceed the sum of two dollars for each newspaper so publishing each of the several notices. On the day

When sale to be made.

mentioned in the said notice the said treasurer of Orleans county shall commence the sale of said real estate, and shall continue the sale from day to day until such lands shall be disposed of.

Bids to be paid immediately.

§ 8. The purchasers at such sale shall pay the amounts of their respective bids to the said treasurer of said county immediately after the sale; and after such payments shall have been made the said treasurer shall add a penalty of ten per centum thereto for the benefit of said purchasers, and shall give to the purchaser of any such real estate a certificate, under his hand and official seal, describing the real estate purchased, the sum paid and penalty attached thereto; and such purchaser or his legal representatives or assigns may, immediately upon receiving such certificate, by virtue thereof and of this act, lawfully possess, hold and enjoy for his and their own proper use, and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless redeemed as hereinafter provided; and he may, at any time after the time limited in the ninth section of this act for the redemption of such premises shall have expired, and said premises shall not have been redeemed as therein provided, cause the occupant of such real estate to be removed therefrom and the possession thereof to be delivered to him, in the same manner and by the same proceedings, by and before the same officers as in the case of a tenant holding over after the expiration of his term, without the permission of his landlord. Said treasurer shall be paid by said purchaser the sum of twenty-five cents for his fees on the delivery of such certificate of sale.

Certificate of sale.

Rights of purchaser

Treasurer's fees.

Redemption.

§ 9. The owner of, or any person interested in, any real estate or having a lien or claim thereon, or any part thereof, sold for taxes as aforesaid, may redeem the same at any time within two years after the last day of such sale by paying to the said treasurer of Orleans county for the use of the purchaser, his heirs and assigns, the sum mentioned in his certificate, together with all sums subsequently paid for taxes on said land, and penalty thereto attached, and the interest thereon at the rate of ten per centum per annum, to be calculated from the date of such certificate, and from the date of such payment of any and all subsequent taxes.

Conveyance to purchaser, when to be made, etc.

§ 10. If such real estate sold for taxes, or any portion thereof, be not redeemed as herein provided, the treasurer of said county shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold which shall vest in the grantee an absolute estate in fee. The said treasurer making such sale shall be entitled to demand and receive from the purchaser one dollar as his compensation for preparing such conveyance.

How to be executed.

§ 11. Every such conveyance shall be executed by the treasurer of Orleans county under his hand and seal, and the execution thereof shall be acknowledged before a proper officer the same as other conveyances of real estate are acknowledged and executed under the laws of this State; and such conveyance shall be conclusive evidence that the sale was regular, and also presumptive evidence that all the previous proceedings were regular according to the provisions of this act. The moneys received by the said treasurer upon every such sale of real estate for taxes, interest and charges shall be applied by him after deducting the expenses of the sale, in like manner as if the same had been paid to him by the collectors of the several towns. Every certificate or conveyance executed by the said treasurer of Orleans county in pursuance of the provisions of this act may be recorded in the same manner and with the like effect as a deed acknowledged, or proven

Moneys received on sales, how to be applied.

Certificates may be recorded.

before any officer authorized by law to take the proof and acknowledgment of deeds.

Purchaser to be reimbursed in case of error, etc.

§ 12. Whenever any purchaser under such sale shall be unable to recover possession of the real estate sold to him by reason of any error or irregularity in the assessments of any person or property, or in the levying of a tax, or any proceedings for the collection of any tax, the board of supervisors of said county shall reimburse the purchase-money and expenses so paid with lawful interest, the same to be presented and audited as other county charges and by them to be charged over to the town or towns where the irregularity arises.

When treasurer to bid in for county.

§ 13. It shall be the duty of said treasurer to bid in for the supervisors of Orleans county, at any sale of land for taxes, by virtue of this act, every lot of land put up by him, for which no person shall offer to bid, to the extent of the tax and charges thereon, and certificate of such sale shall be made by the treasurer, which shall specify the lands purchased, amount bid and the time when the board of supervisors of Orleans county will be entitled to a deed. Such purchase shall be subject to the same right of redemption as purchases by individuals, and if the lands sold shall not be redeemed, the treasurer shall execute a conveyance thereof to the board of supervisors of Orleans county or its assigns, which shall have the same effect and become absolute in the same time and on the performance of the like conditions as in the case of sales to individuals.

Treasurer may sell county certificates at any time before right to redeem expires.

§ 14. At any time before the expiration of the two years allowed to redeem, the treasurer may sell and assign all the right and interest of the supervisors of said county, in any or all such certificates, as mentioned in the last preceding section, either at public or private sale, as to him may seem best for the said county of Orleans, to any person who shall forthwith pay into the county treasury the amount chargeable thereon, and the assignee of such certificate, if the lands therein described shall not be redeemed, shall be entitled to a deed therefor, which shall have the same effect and become absolute in the same time and on the performance of the like conditions as in the case of the conveyance hereinbefore provided.

Whenever any lot conveyed shall be in actual possession of any person, or incumbered, purchaser may serve notice on such occupant or incumbrancer to redeem.

§ 15. Whenever any lot or separate tract of land sold for taxes by the treasurer and conveyed as hereinbefore provided shall, at the time of the expiration of the two years provided for the redemption thereof, or any part thereof, be in the actual occupancy of any person, or incumbered by mortgage which is recorded or a judgment, which is a lien thereon, the grantee to whom the same shall have been conveyed, or the person claiming under him, shall serve a written or printed notice on the person or persons occupying such land, and on the owner or owners of said mortgage or judgment, within one year after the expiration of such time to redeem, stating in substance the sale and conveyance, the person to whom made and the amount of the consideration money mentioned in the conveyance, with the addition of thirty per centum on such amount and the sum paid for the deed, and five dollars for expense of serving notice, and stating also that unless such consideration money and the said thirty per centum together with the sum paid for the deed, and five dollars for serving notice, shall be paid into the treasury for the benefit of such grantee, within three months after the time of filing in the treasurer's office of the evidence of the service of said notice, that the said conveyance will become absolute, and the occupant, mortgagee, judgment creditor, and all others interested in the land be forever barred from all right or title thereto, or any interest or claim therein; and no conveyance

Amount necessary to be paid to redeem.

When conveyance may be recorded. Notice, how served.

made in pursuance of this act shall be recorded until the expiration of such notice, and the evidence of the service of such notice shall be recorded with such conveyance. Such notice shall be served personally on such occupant, if he can be found in said county, or if he cannot be found in said county, by leaving the same at the dwelling-house of the occupant with any person of suitable age and discretion belonging to his family; and such notice shall be served personally on the mortgagee having a mortgage on said premises, or his assignee in case the assignment is recorded, and on the judgment creditor, whose judgment is a lien thereon, or his assignee in case such assignment is recorded, personally if they can be found within this State, and if they cannot be found after due diligence within this State, then by publication thereof once in each week for four successive weeks in the State paper at Albany.

Occupants or other interested persons may redeem by paying consideration and thirty per cent in addition and fees.

§ 16. The occupant or any other person having an interest in or a lien upon said premises may, at any time within the three months mentioned in such notice, redeem the said land by paying into the treasury such consideration money, with the addition of thirty per centum thereon and the amount that shall have been paid for the deed, and five dollars expense of serving notice, and every such redemption shall be as effectual as if made before the expiration of two years allowed to redeem the land sold.

Certificate of redemption.

§ 17. Upon such redemption, as provided for in the last preceding section, the treasurer shall give, to the person redeeming, a certificate under his hand and seal stating the payment, the year in which the sale was made, and showing particularly what land such payment is intended to redeem; and such certificate shall be evidence of such redemption and may be recorded by the clerk of the county in the book for the recording of deeds. In case such redemption is made by the owner of the mortgage or judgment lien, the amount paid, as stated in such certificate, shall be added to the amount of said mortgage or judgment and become a part thereof.

General powers conferred on comptroller to be exercised by county treasurer.

§ 18. Where no provision on the subject is made in this act, the cancellation of a tax which shall have been paid to a collector; the repayment of any tax paid more than once; the payment of a part of the tax on land by any person claiming a part of such land; the redemption of land sold for taxes by persons claiming an individual share, or a specified part thereof; the effect of such redemption reducing the land to be conveyed; the effect of any such sale of land for taxes upon the lien of any mortgage thereon; the right of a mortgagee to redeem; the consequence of neglect to do so after notice, and the lien of the mortgagee for the amount paid on such redemption; the authority to withhold conveyances when it shall be discovered that any sale of land for taxes was ineffectual to convey a title, and to refund the purchase-money and interest to the purchaser, which is conferred by law upon the comptroller of this State, is hereby authorized to be exercised and discharged, so far as relates to the county of Orleans, by the treasurer thereof.

Cases in which suit may be brought by county treasurer to recover tax.

§ 19. In every case where the collectors of the towns in said county shall have been discharged from liability on account of any uncollected taxes returned by them to the county treasurer of said county, the said treasurer of said county may maintain an action for the recovery of the amount so remaining unpaid and uncollected, with interest at the rate of ten per centum per annum, to be computed from the first day of February, when the said tax was payable, in his name of office against the person or corporation liable for such tax, or the representative of

such person or corporation in any court of competent jurisdiction, in which the proceedings, costs, judgments and executions shall be, the same and with the like effect as in actions between other public officers and individuals, and the amount collected shall be applied in the same manner as if paid to the said treasurer by the collectors of said towns. Nothing in this section contained shall be construed to repeal or abridge any power now had by officers for the collection of taxes in said towns.

Inconsistent acts repealed.

§ 20. All acts and parts of acts inconsistent with the provisions of this act, so far as the same relate to the county of Orleans, are hereby repealed.

When act to take effect.

§ 21. This act shall take effect immediately, excepting so far as the provisions of the same relate to the fees of the county treasurer, which provision shall take effect on the expiration of the term of office of the present incumbent.

CHAP. 151.

AN ACT to amend chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-seven, entitled "An act to confer the powers of harbor-masters on the police patrolmen detailed to certain docks and piers in said city, by the board of commissioners of police and excise of the city of Brooklyn."

PASSED April 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, chap. 461, Laws of 1877, amended.

SECTION 1. Section one of chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-seven, entitled "An act to confer the powers of harbor-masters on the police patrolmen detailed to certain docks and piers in said city, by the board of commissioners of police and excise of the city of Brooklyn," is hereby amended so as to read as follows:

Patrolman to docks, etc.

§ 1. The board of police and excise of the city of Brooklyn shall, immediately after the passage of this act, detail a suitable patrolman to the docks, wharves and piers, situated between Division avenue, extending in a straight line to the East river and the United States navy yard, and to the waters situated easterly of a straight line down from the shore line of said avenue to the shore line at said navy yard, and also from the north end of Gowanus canal, between Baltic and Douglass streets, and along both sides of said canal in a southerly line to the mouth of said Gowanus canal, at Gowanus bay, and said patrolman so detailed, in the absence of the harbor-master of the district, shall be vested with and have all the powers that are vested in the harbor-masters of the port of New York, in an act defining and regulating the powers, duties and compensations of the captain and harbor-masters of the port of New York, passed May twenty-two, eighteen hundred and sixty-two. But the powers, duties and jurisdiction vested in such patrolman shall apply only to the docks, wharves and piers situated within the above described boundaries or district, and only in the absence of the harbor-master of the district, they shall

In absence of harbor-master, to exercise duties of.

Jurisdiction only to apply to docks, etc.

then be exercised by said person or appointee solely, and by no other person.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 152.

AN ACT to change the time of election of directors of the Germania Fire Insurance Company, located in the city of New York.

PASSED April 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Annual election to be held on last Tuesday of December.

SECTION 1. "The next annual election of directors of the Germania Fire Insurance Company, located in the city of New York, shall be held on the last Tuesday of December, in the year one thousand eight hundred and eighty, and thereafter the annual election of directors of said company shall be on the last Tuesday of December in each year, instead of on the third Tuesday of March."

§ 2. This act shall take effect immediately.

CHAP. 153.

AN ACT extending the time for collecting taxes in the town of Moriah, county of Essex.

PASSED April 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time extended till May 15, 1880.

SECTION 1. If the collector of the town of Moriah, in the county of Essex, shall, within ten days after the passage of this act, pay over to the proper officers all moneys collected by him and renew his bond to the satisfaction of the supervisor of said town, the time for the collection of taxes in said town shall be extended to the fifteenth day of May next.

§ 2. This act shall take effect immediately.

CHAP. 154.

AN ACT in relation to the sheriff of the city and county of New York.

PASSED April 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Office to be kept open every

SECTION 1. The sheriff of the city and county of New York shall keep his office open for the transaction of business every day in the

year except Sundays; the first day of January, commonly called new year's day; the twenty-second day of February, known as Washington's birthday; the thirtieth day of May, commonly called Decoration day; the day observed as the anniversary of American independence; election day; the day appointed by the governor of this State as a day of general thanksgiving, and the twenty-fifth day of December, commonly called Christmas, from nine o'clock in the forenoon to four o'clock in the afternoon. Whenever any of the holidays mentioned aforesaid shall fall on Sunday, the Monday next following shall be deemed and considered as the first day of the week or Sunday, and a public holiday.

day except Sundays and legal holidays.

Office hours.

When holiday falls on Sunday, next day to be deemed holiday.

§ 2. This act shall take effect immediately.

CHAP. 155.

AN ACT to facilitate the carrying out of plans and agreements for the reorganization of railroads.

PASSED April 27, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the maximum amount of capital stock, mentioned in the certificate of incorporation of any railroad or railway company on file in the office of the secretary of State, shall be insufficient to carry out any plan or agreement of reorganization set forth in such certificate of incorporation, it shall be lawful for the directors, or a majority of the directors of said company, to file an additional certificate with the secretary of State, which shall set forth the fact of such insufficiency and the additional amount of capital stock required to carry out such plan or agreement of reorganization, and thereupon, with the approval of the State engineer and surveyor, said company shall be authorized to issue such capital stock as fully as if the same had been mentioned or set forth in the original certificate of incorporation. Said additional certificate shall be filed in the office of the secretary of State within two months after the passage of this act.

When it shall be lawful for directors to fill additional certificate in office of secretary of state.

What to contain.

Stock to be issued with consent of state engineer.

§ 2. This act shall take effect immediately.

CHAP. 156.

AN ACT to extend the time for the collection of taxes in the town of Cortland, in the county of Westchester.

PASSED April 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the town of Cortland, in the county of Westchester, is hereby extended to the first day of June next; provided, however, that within ten days after the passage of this act, the recever* of taxes of said town shall pay over all money already collected and execute a new bond to the satisfaction

Time extended till June 1, 1880.

Proviso.

*So in original.

of the supervisor of said town (if such renewal is necessary) but nothing herein contained shall be construed as extending the time for the payment of the State tax, or any part thereof, by the county treasurer of said county to the comptroller as now provided by law.

Warrants continued in force.

§ 2. All warrants issued by said receiver, or hereafter to be issued by him, are hereby continued in force until June first next.

§ 3. This act shall take effect immediately.

CHAP. 157.

AN ACT in relation to assessments for taxes in the village of Ellenville.

PASSED April 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Powers of assessors

SECTION 1. The assessors of the village of Ellenville are hereby vested with full power and authority to make therein the assessment authorized by any law of this State, and for such purpose the time for completing the assessment rolls for the current year shall be extended to the thirtieth day of June, eighteen hundred and eighty.

§ 2. This act shall take effect immediately.

CHAP. 158.

AN ACT to authorize and direct the commissioner of highways of the town of Kinderhook to protect and secure a certain highway in said town against the encroachments of the Kinderhook creek.

PASSED April 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioner of highways to protect highway.

SECTION 1. The commissioner of highways of the town of Kinderhook, in the county of Columbia, is hereby authorized and directed to secure and protect the highway leading from the village of Valatie to the village of Kinderhook, in said town, and is also authorized to secure and protect the highway at the northerly end of the bridge crossing the Kinderhook creek, at the foot of Hudson street, in said village of Kinderhook, from and against encroachment and damage by the Kinderhook creek, by protecting and securing the banks of said creek, at such time and in such manner and to such an extent as the town board of said town of Kinderhook shall direct, and not otherwise. To enable said commissioner to defray the expense thereof he is authorized to borrow, from time to time, upon the credit of said town, so much money as said town board shall have previously authorized to be expended in and about said work of protection against encroachment and damage, and notes shall be issued for the amount so authorized to be expended, and shall be signed by the said commissioner, and countersigned by the supervisor of said town. The money to be borrowed shall be collected by said town, by tax upon the tax-

May borrow money to defray expense.

Money borrowed to be col-

able property of the inhabitants thereof, and paid, with interest, on or before the first day of February next. lected by town tax.

§ 2. The commissioner of highways shall account for the money so borrowed, at the same time and in the same manner as he is required by law to account for other moneys recovered by him. Commissioner to account for money.

§ 3. This act shall take effect immediately.

CHAP. 159.

AN ACT to facilitate the erection of a new building by the New York Produce Exchange in the city of New York by authorizing the closing of Marketfield street, and the sale of a lot of land and building on Stone street in said city, the property of the mayor, aldermen and commonalty of the city of New York.

PASSED April 28, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the sinking fund of the city of New York are hereby authorized to sell at private sale, and at what they shall deem a just value, the land and buildings thereon, now owned by the mayor, aldermen and commonalty of the city of New York, on the northerly side of Stone street, between Whitehall and Broad streets, and used as a public school, known as primary school number fifteen. Commissioners of sinking fund may sell property known as primary school No. 15

§ 2. The money received in payment for the said land and buildings shall be paid by the said commissioners into the treasury of said city, and shall be appropriated by the board of estimate and apportionment of the said city to the board of education of the said city for the purpose of purchasing and erecting another school building in the first ward of the city of New York. Money, how to be disposed of.

§ 3. The board of street opening and improvement of the city of New York may close all that portion of Marketfield street on both sides of which the New York Produce Exchange shall acquire title to the land, to be used by said exchange for the erection of a new building, and the State of New York hereby releases and grants to the New York Produce Exchange any right or title it may have in the portion of Marketfield street, so closed and occupied, and the said commissioners of the sinking fund may sell at private sale, at what they shall deem its just value, and convey to the said New York Produce Exchange any right, title or interest which the mayor, aldermen and commonalty of the city of New York may have to the portion of Marketfield street so closed, and may allow as consideration, or as part of the consideration therefor, the just value of any land adjoining said new building which may be dedicated as a public street, from Beaver street to Marketfield street by said New York Produce Exchange and opened as such by the said board of street opening and improvement. Portion of Marketfield St., may be closed. Title of state released to N. Y. Produce Exchange. Title of city may be sold.

§ 4. This act shall take effect immediately.

CHAP. 160.

AN ACT to amend chapter twenty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to limit the term of office of notaries public."

PASSED May 3, 1880; three-fifths being present.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 3, chap. 29, Laws of 1864, amended.

SECTION 1. Section three of chapter twenty-nine of the laws of eighteen hundred and sixty-four, entitled "An act to limit the term of office of notaries public," is hereby amended so as to read as follows:

Additional number of notaries may be appointed.

§ 3. The governor of this State is hereby authorized to appoint an additional number of notaries public to those now provided by law in each county in this State including the city of New York equal to the number of banks located therein on the application of each bank.

§ 2. This act shall take effect immediately.

CHAP. 161.

AN ACT conferring upon the board of canal appraisers the power to allow amendments to claims.

PASSED May 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amendment to claims may be allowed.

SECTION 1. Power is hereby given the board of canal appraisers in furtherance of justice, without terms, to allow amendments to claims now or hereafter filed in their office, at the same time and in the same manner as amendments are allowed to pleadings in the supreme court, but no additional claim for damages shall be allowed under this act;

Proviso.

provided, however, that no claim barred by the provisions of section two of chapter three hundred and twenty-one of the laws of eighteen hundred and seventy shall be revived under or by virtue of this act.

§ 2. This act shall take effect immediately.

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature, May 3, 1880.

CHAP. 162.

AN ACT to authorize and direct the board of supervisors of Kings county to make suitable provisions to reimburse Walter L. Livingston for all legitimate costs, counsel fees and expenses which have been incurred by him in and about a certain action of quo warranto brought against him to oust him from the office of surrogate of the county of Kings.

PASSED May 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

W. L. Livingston to be reimbursed for costs, etc., in quo warranto proceedings.

SECTION 1. The board of supervisors of the county of Kings are hereby authorized and directed to make suitable provision for the reimbursement of Walter L. Livingston for all legitimate costs, counsel fees and expenses incurred by him in and about a certain action of quo warranto brought against him to oust him from the office of surrogate of the county of Kings, on presentation to the said board of the proper proofs and vouchers of the items so to be reimbursed.

Amount limited.

§ 2. The said board of supervisors are hereby authorized and directed to audit and allow a sum not to exceed three thousand five hundred dollars for the purposes above stated, and to designate the fund or funds out of which said payments shall be made, and it shall be lawful for the county treasurer of said county of Kings to pay the same as directed in the manner and out of the fund or funds designated by said board of supervisors.

§ 3. This act shall take effect immediately.

CHAP. 163.

AN ACT to provide for the construction, care and maintenance of the bridges over the Bronx river, between the city and county of New York and the county of Westchester.

PASSED May 8, 1880; three-fifths being present.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bridges over Bronx river, to be built, etc., by New York and Westchester counties.

SECTION 1. The public bridges over the Bronx river, between the city and county of New York and the county of Westchester, which are now built, or which may hereafter be built, shall be built and maintained and kept in repair by the said city and county of New York and the county of Westchester, and the expense of building or repairing any of said bridges shall be a joint charge on the city and county of New York and the county of Westchester.

Expense now borne by town of Westchester to be sustained by county.

§ 2. The expense of the maintenance and repair of said bridges which is now borne by the town of Westchester shall hereafter be sustained by the county of Westchester; and the board of supervisors of said county shall, at their annual or other meetings, make all necessary

*Not returned by the governor within ten days after it was presented to him, and became a law without his signature May third, eighteen hundred and eighty.

provision for so much of such expense as is hereby chargeable upon said county, and shall cause the same to be levied, assessed and collected in the same manner as other county charges and expenses.

§ 3. This act shall take effect immediately.

CHAP. 164.

AN ACT to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State commissioner in lunacy."

PASSED May 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 14, title 1, chap. 446, amended.

SECTION 1. Section fourteen of title first, article first of the laws of eighteen hundred and seventy-four, entitled "An act to revise and consolidate the statutes of the State relating to the care and custody of the insane, the management of the asylums for their treatment and safe-keeping, and the duties of the State commissioner in lunacy," is hereby amended so as to read as follows:

Judges to investigate facts in case of indigent insane persons.

§ 14. When a person in indigent circumstances — not a pauper — becomes insane, application may be made in his behalf to any county judge, special county judge, judge of a superior court or common pleas of the county where he resides, and said judge shall fully investigate the facts of the case, both as to the question of his indigence as well as to that of his insanity. And if the judge certifies that satisfactory proof of his insanity has been adduced, and that his estate is insufficient to support him and his family (or, if he has no family, himself) while under the visitation of insanity, then it shall be the duty of any judge, before whom application for that purpose is made, to cause reasonable notice thereof, and of the time and place of hearing the same to be given to one of the superintendents of the poor of the county chargeable with the expense of supporting such person in a State asylum, if admitted, and he shall then proceed to ascertain when such person became insane. On granting such certificate the judge may, in his discretion, require the friends of the patient to give security to the superintendent of the poor of the county to remove the patient from the asylum as soon as he shall recover. But in every case where a patient is admitted into an asylum, as hereinbefore provided, shall have remained there two years and has not recovered, the managers of the asylum may, in their discretion, cause such person to be returned to the county whence he came, and charge the expense of such removal to the county. The judge granting said order of indigence shall file all papers belonging to such proceedings, together with his decision, with the clerk of the county, and report the facts to the supervisors, whose duty it shall be, at their next annual meeting, to raise the money requisite to meet the expenses of support of such indigent lunatic.

Certificate of satisfactory proof.

Notice of hearing to superintendent of poor.

Security to remove person from asylum, may be required.

After two years persons may be returned to county.

Judge to file papers and report facts to board of supervisors.

Section 15 amended.

§ 2. Section fifteen of the above-mentioned act is hereby amended so as to read as follows:

§ 15. When an insane person in indigent circumstances — not a pauper — shall have been sent to any State asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient and likely to be benefited by remaining in the institution, the supervisors of the county of his residence are authorized and required, upon an application, under oath, in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and to pay the same to the treasurer of the asylum. And they shall repeat the same for two years more upon like application and the production of a new certificate of like import from the superintendent of such asylum.

When supervisors to raise money to defray expenses of persons who have been sent to asylums by friends.

§ 3. This act shall take effect immediately.

CHAP. 165.

AN ACT to enable the town of Newtown, in Queens county, to fund a portion of its bonded debt at a reduced rate of interest.

PASSED May 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Newtown, in Queens county, is hereby authorized and empowered to borrow a sum of money sufficient to pay a portion of the present outstanding bonds of the said town which mature during the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four and one thousand eight hundred and eighty-five, to an amount not exceeding one hundred and fifty thousand dollars, and to issue the bonds of the said town for the payment thereof, which bonds shall be chargeable upon the taxable property, real and personal, of the said town. The bonds hereby authorized shall be issued in series or classes of five hundred or one thousand dollars each, at the discretion of the said supervisor and shall draw interest, not exceeding six per centum per annum, payable semi-annually, on the first day of March and September, in each year, and shall mature at such time as the supervisor shall deem for the best interest of the town, not longer than thirty years after their date, but not more than ten thousand dollars thereof shall be made payable in any one year. The said bonds shall be authenticated by the signatures of the supervisor and town clerk of the said town of Newtown, with coupons attached, for the payment of said interest, signed by the said town clerk, and shall be registered by the said town clerk in a book to be kept for that purpose in his office.

Supervisor may borrow money to pay portion of outstanding town bonds, and issue new bonds to pay the same.

How to be issued.

How to be authenticated.

§ 2. It shall be lawful for the said supervisor to exchange, at not less than their par or nominal value, the new issue of bonds hereby authorized for any of the outstanding bonds of the said town of Newtown, which shall mature and become payable during the said years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four and one thousand eight hundred and eighty-five, or to sell, at not less than their par or nominal value, the whole or any portion of the bonds authorized to be issued

May exchange new bonds for old bonds.

under this act, and apply the proceeds to the payment of the present outstanding bonds of the said town maturing during the years above mentioned and not exchanged. The bonds hereby authorized to be issued shall be used for no other purpose than the payment and redemption of the present bonded debt of the said town, maturing and payable during the years above mentioned. The bonds which shall be paid or redeemed by the issue of the bonds hereby authorized shall be canceled and destroyed in the manner provided for by law.

Bonds issued not to be used for any other purpose.

Board of supervisors to levy tax to pay bonds.

§ 3. The board of supervisors of Queens county shall, from time to time in the tax levies respectively next preceding the maturity of the interest or principal of any of the bonds hereby authorized, assess, levy and collect against the property, real and personal, of the said town of Newtown, the sums of money necessary for the payment thereof, and shall include the same in the warrant which shall be issued by the said board of supervisors, as required by law, for the collection of the State, county and town taxes in the said town of Newtown, and the supervisor of the said town shall pay the said interest and principal of the bonds hereby authorized as the same shall fall due respectively.

Supervisor to give additional official bond.

§ 4. In addition to the bonds required by law to be given by the supervisor of the town of Newtown, he shall give a bond with good and sufficient sureties for double the amount of all the moneys likely to come into his hands by reason of the provisions of this act.

§ 5. This act shall take effect immediately.

CHAP. 166.

AN ACT to amend chapter seven hundred and seventy-seven of the laws of eighteen hundred and seventy, entitled "An act to incorporate the village of Walden, in the county of Orange."

PASSED May 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 4, title 2, chap. 777, Laws of 1870, amended.

SECTION 1. Section four of title two of chapter seven hundred and seventy-seven of the laws of eighteen hundred and seventy, entitled "An act to incorporate the village of Walden, in the county of Orange," is hereby amended so as to read as follows:

Officers to be elected by ballot.

§ 4. The trustees, treasurer, assessors, collector, clerk, police justice and inspectors of election shall be annually elected by ballot, and all other officers shall be appointed by the trustees.

Annual election.

§ 2. The annual election of officers of said village shall be held on the second Tuesday after the first Monday of March in each year, at such place as may be designated by the trustees.

§ 3. Section eight of said act is hereby amended so as to read as follows:

Qualification of electors.

§ 8. Every inhabitant actually residing in said village, who shall have been a resident thereof for thirty days next prior to the time of offering his vote, and who shall, at the time of offering his vote, be qualified to vote for member of assembly, and who shall also have paid the poll tax assessed to him by said village for the preceding year, shall be entitled to vote for all officers to be elected by virtue of this act.

§ 4. Section thirty-nine of said act is hereby amended to read as follows:

§ 39. The assessors shall, on or before the fifteenth day of May in each year, when engaged in making the annual assessment of real and personal property in said village, ascertain and make a list subscribed by them of all names of the inhabitants of said village who are liable under the statutes of the State to work on highways; and the trustees of said village shall have power to assess said inhabitants, and the real and personal property in said village annually, such an amount, denominated highway tax, as they shall deem necessary, not exceeding the sum hereinafter specified, which highway tax shall be assessed as follows: Each male inhabitant of the age of twenty-one years and upward shall be assessed one dollar, and the balance shall be assessed upon and among persons owning property and estate, real and personal, incorporated companies, banks and banking associations in said village according to the value of their real and personal estate in said village, not exceeding the sum of five dollars for each one thousand dollars of such value, according to the valuations upon the assessment roll for the current year. The highway taxes thus assessed shall be collected by the village collector under the warrant of the trustees in the same manner in all respects, and for the same fees as other taxes assessed in said village, and shall be paid over in like manner to the village treasurer; and all provisions of this act, in regard to the collection or recovery of taxes and the sale of property therefor, or in any other respect whatever, shall apply to such highway tax so far as applicable as fully as to any other tax assessed in said village. In case all the highway taxes thus assessed and collected as aforesaid shall not be deemed necessary by said trustees to be expended in said village, the said trustees may, in their discretion, direct such surplus to be expended upon any of the other road districts in the town of Montgomery, under the direction of the commissioners of highways of said town.

Assessors to make list of persons liable to work on highways.

Trustees to have power to assess highway tax.

Amount.

Highway tax, how collected.

Surplus to be expended on road districts in town of Montgomery.

§ 5. This act shall take effect immediately.

CHAP. 167.

AN ACT to amend section three of chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-six, entitled "An act supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies,'" and the acts supplemental thereto.

PASSED May 4, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-six, entitled "An act supplementary to chapter sixty of the laws of eighteen hundred and thirteen, entitled 'An act to provide for the incorporation of religious societies,'" and the acts supplementary thereto, is hereby amended so as to read as follows:

Section 3, chap. 176, Laws of 1876, amended.

§ 3. Any two or more of the corporations, aforesaid, are hereby authorized to unite and consolidate themselves into a single corpo-

Any two or more corpora-

tions may consolidate.

Agreement for consolidation, what to contain.

When to be approved by bishop.

When by presbytery.

Petition to supreme court.

What to contain.

When court to make order for consideration.

On entry of order corporations to be consolidated.

ration of the denomination to which at least one of such corporations shall belong, in the manner following: The said corporations may enter into an agreement under their respective corporate seals, for the union and consolidation of the said corporations, setting forth the terms and conditions thereof, the name of the proposed new corporation, the church or denomination to which it shall belong, the names of the persons who shall be the churchwardens and vestrymen, or elders and deacons or trustees, or other officers as the case may be, until the first annual election of the proposed new corporation, and fixing the day of such election. But in the case of the Protestant Episcopal churches, no such agreement shall be valid unless approved by the bishop and standing committee of the diocese in which such churches are situated; and in case of Presbyterian churches, a union under this act shall not be valid unless approved by the presbytery with which such churches are connected. Each of the said corporations may make its separate petition to the supreme court in the judicial district in which such corporations are situated, for an order for such union and consolidation; setting forth in such petition the reason for such union and consolidation, the agreement made as hereinbefore provided, and a statement of all its property, real and personal, all its debts and liabilities, and the amount and sources of its annual income. Upon such petition from each of such corporations so proposing to be united and consolidated, and upon the said agreement satisfactorily proved or certified, the supreme court may, in case it shall deem it proper, make an order for the union and consolidation of such corporations, determining all the terms and conditions and provisions thereof. All parties interested therein may be heard on such petition. When such order is made and entered according to the practice of the court, the said corporations shall be united and consolidated into one corporation by the name designated in the order, and it shall have all the rights and powers, and be subject to all the obligations of religious corporations under the act to which this is supplementary, and the acts amendatory thereof and supplementary thereto.

§ 2. This act shall take effect immediately.

CHAP. 168.

AN ACT to amend chapter nine hundred and two of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize life insurance companies to make special deposits of securities in the insurance department, and to authorize the superintendent of said department to require special reports of such companies, passed April twenty-fourth, eighteen hundred and sixty-seven, and, also, to provide for the appointment of receivers of such depositing companies in certain cases.'"

PASSED May 5, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 8, chap. 902, Laws of 1869.

SECTION 1. Section eight of chapter nine hundred and two of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to authorize life insurance companies

to make special deposits of securities in the insurance department, and to authorize the superintendent of said department to require special reports of such companies, passed April twenty-fourth, eighteen hundred and sixty-seven, and, also, to provide for the appointment of receivers of such depositing companies in certain cases,' " is hereby amended so as to read as follows:

§ 8. The said receiver shall immediately on entering upon the duties of his office appoint a competent actuary, approved by the superintendent of the insurance department, who shall make a careful investigation according to the standard fixed by the laws of this State into the condition of said company and report thereon in writing, under oath, to said court, the said superintendent and receiver; and if it shall, by said report, be found that the securities deposited by said company in the insurance department, and the assets and credits including the future premiums that will mature on the outstanding policies and other obligations of said company, are sufficient under the laws of this State to pay all the policies, annuities and other obligations of said company as they may mature by the terms thereof, and the legal costs and expenses incident to the business, and if upon due notice to the superintendent said actuary's report shall be confirmed by the court, the said receiver shall notify all the holders of said policies, annuities and other obligations requiring them to pay to him, as such receiver, all premiums or other payments due or to become due to said company, from time to time, on their respective policies, annuities or other obligations. Such notice shall be given by depositing the same in the post-office at the place where said company has its principal business office, addressed to said parties respectively at their several residences, so far as the same can be ascertained by said receiver, and also by the publication thereof in the State newspaper, published in the city of Albany, once a week for six consecutive weeks, or on the confirmation of the report of said actuary, the court may, in its discretion, direct the receiver to reinsure all registered policies in some solvent company on the execution by said receiver of an assignment to said reinsuring company of all securities on deposit in trust for registered policy-holders. And in case the said report of the said actuary shall show that the said securities, assets, credits and premiums are not sufficient under the laws of this State to pay all the policies, annuities and other obligations of said company as they may mature by the terms thereof, and the legal costs and expenses of said receivership, and the said report shall, upon due notice to the superintendent, be confirmed by the court, the court may direct the conversion of the securities held by the superintendent into money for the purpose of distribution, and the superintendent shall thereupon, with the consent and advice of the treasurer of the State, and in such manner as the said receiver, superintendent and treasurer, or a majority of them, shall determine, sell and convert said securities into money; and the proceeds of such securities, when required for distribution, and when the court shall make an order for that purpose with suitable provisions for the safety of the moneys, shall be paid to the said receiver on his giving his receipt to said superintendent, and shall be applied by said receiver, under the direction of the court, as follows: To the payment of the registered policy-holders of said company, in a proportion to the net value of their policies respectively, and to the registered annuities of said company, in proportion to the then present value of their respective annuities, as estimated by the legal standard for valu-

Receiver to appoint actuary, approved by superintendent.

Duty of actuary to examine and report.

In case it appears, from report, that assets are sufficient to pay all liabilities, costs, etc., and report is approved, premiums to be paid to receiver.

Notice to pay premiums, how to be served.

Publication of.

Reinsurance of registered policies.

In case report shows assets not sufficient to pay liabilities, court may direct conversion of securities.

When proceeds to be paid to receiver.

How to be applied.

ing life insurance and annuity obligations within this State. The surplus of the proceeds of such securities, if any there be after the payments last above mentioned, with all the other assets of the said company, shall be then applied to the payment of all the just debts of said company incurred in the conducting and carrying on its lawful business.

§ 2. This act shall take effect immediately.

CHAP. 169.

AN ACT to amend chapter eight hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act to amend and reduce to one act the several acts relating to buildings, and the keeping and storage of combustible materials in the city of New York."

PASSED May 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 56, chap. 873, laws of 1866, amended.

SECTION 1. Section fifty-six of chapter eight hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act to amend and reduce to one act the several acts relating to buildings, and the keeping and storage of combustible materials in the city of New York," is hereby amended so as to read as follows:

Storage of baled cotton, etc., in quantities greater than ten tons must be in fire-proof building.

§ 56. No quantity of cotton, hay, straw, flax, hemp, husks, rushes, oakum, rags, sea-weed, jute or other vegetable fiber when pressed or baled, greater than ten tons in the whole, shall be stored or kept in any building within the city of New York, unless kept in a building fire-proof throughout, or in the manner prescribed under section fifty-two of this act, or in a building approved by the New York board of fire underwriters or the commissioners of the fire department, and of which approval a certificate shall have been issued by either of said boards, and shall not have been revoked; and none of the articles enumerated in this section, when loose or not baled, shall be kept as aforesaid, in quantity exceeding one thousand pounds in the whole; nor shall any greater quantity than one thousand pounds in the whole of said articles be kept in any dwelling-house in said city, whether loose or baled. No person shall have, put or keep any hay or straw uncovered in any stack or pile, or in any other way exposed, within one hundred yards of any building in said city, or shall have, put or keep within said city any hay, straw, hemp, flax, shavings or rushes in any building not built of stone, or brick or iron, and covered with tile or slate or other fire proof materials which is, or shall be within ten feet of any dwelling-house or chimney whatsoever. All carpenters or others making or using shavings shall respectively, at the close of each day, cause the same to be securely stowed in some safe place, remote from danger by means of fire, under the penalty of five dollars for each omission to do so. No person shall kindle any fire, nor furnish the materials, nor in any way authorize or allow any fire to be made in any street, road, alley, lane or upon any pier, wharf or bulk-head in said city, except under such regulations as shall be established by the Metropolitan Fire Department, under a penalty of ten dollars for each and every offense. If any chimney, stovepipe or flue within the said city shall take fire, the occupant of the premises to which such chimney, stove or flue appertains shall forfeit the sum of five dollars.

Of loose articles.

Hay or straw not to be stacked within one hundred yards of building.

Shavings, etc.

Fire in streets.

Chimney fires.

§ 2. This act shall take effect immediately.

CHAP. 170.

AN ACT to provide for the compilation and revision of the laws of the State of New York affecting banks, banking and trust companies.

PASSED May 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within twenty days after the passage of this act, the governor, by and with the advice and consent of the senate, is authorized to appoint three persons as commissioners to compile and revise all statutes of the State of New York affecting banks, banking and trust companies which shall be in force at the time such commissioners shall make their report, and in the execution of their duties, said commissioners shall have free access to any of the public records and papers of the State, and be permitted to examine the same without fee or reward. Commissioners to revise banking laws. To have free access to public records.

§ 2. When the said commissioners shall have completed the compilation and revision of the statutes as aforesaid, they shall cause a printed copy of the same to be submitted to the legislature for the year eighteen hundred and eighty-one, and at the same time, they shall suggest to the legislature such omissions, contradictions and other imperfections as may appear in the original text with their recommendations for amendment, either by repeal or by supplementary or explanatory legislation, with their reasons for such recommendations. To submit a printed copy to legislature.

§ 3. Each of said commissioners shall serve without pay. To serve without pay.

§ 4. The reasonable expenses of said commissioners for clerical services and other incidental disbursements, providing the same does not exceed the sum of five thousand dollars, shall be paid to them from time to time upon their requisition therefor upon the comptroller of the State, to be paid into the treasury by the banks, banking and trust companies in the same manner as other expenses of the banking corporations are now paid. Expenses for clerical services, etc., to be paid.

§ 5. In case the said commissioners, or either of them, shall refuse to act in the premises or shall die, resign or remove from the State before the completion of the duties assigned to them, it shall be the duty of the governor to appoint others or another in their or his stead, who shall have the powers aforesaid. New commissioners to be appointed in case of vacancy.

§ 6 This act shall take effect immediately.

CHAP. 171.

AN ACT to establish the quorum of the local board of the Brockport normal and training school.

PASSED May 5, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Seven members of the local board of the Brockport normal and training school, at regular and special meetings, shall constitute a quorum for the transaction of business.

§ 2. This act shall take effect immediately.

CHAP. 172.

AN ACT to amend section ninety of chapter four hundred and twenty-six of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of villages."

PASSED May 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 90, chap. 426, Laws of 1847, amended.

SECTION 1. Section ninety of chapter four hundred and twenty-six of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of villages," is hereby amended so as to read as follows:

On application of one-fourth of electors, trustees to call meeting to determine whether village shall continue incorporated.

§ 90. When an application in writing, signed by at least one-fourth as many persons entitled to vote for village officers in any incorporated village, as voted for such officers at the next preceding election thereof, shall be made to the trustees of such village to call a meeting of the electors thereof to determine whether the same shall continue to be an incorporated village, such trustees shall call such meeting and preside as inspectors thereat, and the same shall be notified and held, the votes given thereat canvassed, the result declared, and a certificate thereof made and recorded in the same manner, as nearly as practicable, as in case of the election of village officers. The polls at such meeting shall be kept open from ten o'clock in the forenoon to four o'clock in the afternoon; and every such elector may vote thereat by a ballot having thereon the word "yes" or the word "no." If a majority of all the ballots given shall have thereon the word "no," the question of disincorporation shall be again submitted to the voters at the first regular village election thereafter, provided a period of not less than six months shall intervene between the time of holding such meeting and the first regular village election thereafter; but if a period of six months shall not intervene between the time of holding such meeting and the first regular village election thereafter, then the question shall be submitted at the second regular village election after the holding of such meeting. The ballots cast on the question of disincorporation at such regular village elections shall be deposited in a separate box, and shall have thereon the word "yes" or the word "no," and shall be canvassed, the result declared, and a certificate thereof made and recorded in the same manner as in case of the election of village officers. If a majority of all the ballots given shall have thereon the word "no," such village shall, at the expiration of six months from the time of holding such second meeting, cease to be an incorporated village, and within that period such trustees shall call a special meeting of such electors, to direct as to the disposition of the property of such village, and at such meeting such electors may direct such property as shall remain after paying all claims for which such village shall be liable, to be disposed of in such manner as they shall deem proper. At the expiration of the said six months, all the records, books and papers belonging to such village shall be deposited with the town clerk of the town in which the same shall be located, or if located in more than one town, then with the town clerk of one of such towns, whose duty it shall be to preserve the same with the town records and papers of his town, and the supervisor of such town, or if such village is located in more than one town, the supervisors of such towns shall be the

Polls.

Ballots.

Proceedings in case a majority vote "no."

If a majority vote "no," at second election, village incorporation shall cease at end of six months.

Books, etc., to be deposited with town clerk.

trustee or trustees of the property of such village. No suit in which such village shall be a party, nor any claim for or against such village, shall be affected by its ceasing to be an incorporated village. Suits and claims not to be affected.

§ 2. This act shall take effect immediately.

CHAP. 173.

AN ACT conferring jurisdiction on the canal appraisers to determine the amount of damages to which the Port Byron school district, in the town of Mentz, in the county of Cayuga, is entitled to by reason of certain acts of this State.

PASSED May 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers of this State to ascertain and determine the amount of damages which Port Byron free school district, in the town of Mentz, in the county of Cayuga, has sustained in consequence of any change or improvement on the Erie canal, or in the discharge of the waters of the Owasco creek, rendered necessary by said change or improvement in said canal. Said canal appraisers are hereby required to conduct the hearing upon said claim at Port Byron, New York, and to make such award to said Port Byron free school district as may be deemed just and equitable, and report the same to the comptroller of the State on or before the first day of July, eighteen hundred and eighty. But this act shall not revive any claim barred by the provisions of the constitution. Jurisdiction granted to determine claims of Port Byron free school district. Hearing to be at Port Byron.

§ 2. This act shall take effect immediately.

CHAP. 174.

AN ACT in relation to the duties of supervisor for the town of Saratoga Springs.

PASSED May 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person hereafter elected or appointed to the office of supervisor of the town of Saratoga Springs, in the county of Saratoga, shall, within fifteen days after his election or appointment, and before he enters upon the discharge of the duties of his office, execute and deliver to the town clerk of said town his bond, in the penal sum of fifteen thousand dollars, with at least two sufficient sureties, who shall justify in double the amount of said bond, conditioned for the faithful discharge of his official duties, and that he will well and truly keep, pay over, and account for all moneys, bonds and securities belonging to said town, and coming into his hands as such supervisor, and which bond, as to form and sufficiency of the sureties, shall be approved by the county judge of said county, or by a justice of the supreme court. Supervisor to give bond. Penalty of. Sureties. Condition of.

§ 2. This act shall take effect immediately.

CHAP. 175.

AN ACT conferring additional powers upon boards of supervisors for the laying out highways through unoccupied and unimproved tracts of land.

PASSED May 5, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of supervisors, in counties having more than 300,000 acres of unoccupied and unimproved lands, may establish road districts.

Districts to consist of contiguous tracts.

Commissioner.

May be authorized to borrow money.

SECTION 1. The board of supervisors of any county in this State containing more than three hundred thousand acres of unoccupied and unimproved forest lands, in addition to the powers now possessed by said board, is hereby authorized to establish separate highway districts in such county, for the purpose of laying out and constructing highways through such unimproved and unoccupied tracts of land in such county; such highway district to be established only upon the application of the owners of more than one-half of the non-resident lands to be included therein. Any highway district established under the provisions of this act shall consist of contiguous tracts or parcels of land and may include within its limits parts of one or more towns, and the same may be changed, altered or abolished at any time by said board of supervisors. The said board of supervisors shall have power to appoint a commissioner or commissioners to lay out and construct highways in any such district and to prescribe their powers and duties, and may also direct the manner in which highway taxes shall be assessed, levied and collected upon the lands embraced in any such district, and likewise the manner of expenditure thereof. The said board of supervisors may also authorize commissioners appointed under this act to borrow money on such terms as said board shall direct, but not exceeding the estimated amount of ten years' highway taxes upon the lands embraced within the district in which such loan is authorized, and may, for the purpose of repaying any such loan, set apart and appropriate the highway taxes upon lands in any such district for a period not exceeding ten years from the time of making such loan.

§ 2. This act shall take effect immediately.

CHAP. 176.

AN ACT concerning tramps.

PASSED May 5, 1880; three-fifths being present.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Punishment of tramps.

SECTION 1. Every tramp, upon conviction as such, shall be punished by imprisonment at hard labor in the nearest penitentiary for not more than six months, the expense during such imprisonment not to exceed one dollar a week per capita, to be paid by the State.

Who are.

§ 2. All persons who rove about from place to place begging, and all vagrants living without labor or visible means of support, who stroll

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature, May 5, 1880.

over the country without lawful occasion, shall be held to be tramps within the meaning of this act.

§ 3. Any act of vagrancy by any person not a resident of this State shall be evidence that the person committing the same is a tramp within the meaning of this act. Act of vagrancy; evidence.

§ 4. Any tramp who shall enter any building against the will of the owner or occupant thereof, under such circumstances as shall not amount to burglary or willfully or maliciously injure the person or property of another, which injury under existing law does not amount to a felony or shall be found carrying any fire-arms or other dangerous weapon, or burglars' tools, or shall threaten to do any injury to any person or to the real or personal property of another, when such offense is not now punishable by imprisonment in the State prison, shall be deemed guilty of felony, and, on conviction, shall be punished by imprisonment in the State prison at hard labor, for not more than three years. Entry of buildings, against will of owner, etc., deemed a felony. Punishment.

§ 5. Any person being a resident of the town where the offense is committed may, upon view of any offense described in this act, apprehend the offender and take him before a justice of the peace or other competent authority. Apprehension of offenders.

§ 6. This act shall not apply to any person under the age of sixteen years, nor to any blind person, nor to any person roving within the limits of the county in which he resides. Not to apply to persons under 16.

§ 7. Any person convicted under this act shall be entitled to the same commutations of sentence as now provided by law for any prisoners committed to the State prison or penitentiary. Commutations of sentence.

§ 8. Upon the passage of this act the secretary of State shall cause to be printed copies of this act to be sent to the several town clerks, who shall cause the same to be posted in at least twelve conspicuous places; six of which shall be in the public highway. Secretary to publish and town clerks to post act.

§ 9. This act shall take effect immediately.

CHAP. 177.

AN ACT for the division of the town of Tompkins in the county of Delaware, and for the erection of a new town from the western portion thereof.

PASSED May 6, 1880; three-fifths being present.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the town of Tompkins, in the county of Delaware, bounded as follows, namely: beginning at the southerly bounds of the town of Masonville, in said county, at a point where the west line of subdivision number one, great lot number twenty-three of Evans' patent, crosses said town line; thence southerly along the west bounds of said subdivision number one to the north bounds of great lot number twenty-six of said patent; thence along the west bounds of subdivisions three, two and one of said lot, to the north bounds of great lot number twenty-nine; thence along the west bounds of subdivision number seven of said great lot, to the north-east corner of sub- Part of town of Tompkins erected into a new town of "Deposit."

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature May sixth, eighteen hundred and eighty.

division number six; thence along the north line of subdivision number six to the north-west corner thereof; thence southerly along the west bounds of subdivision number six, to the north bounds of great lot number thirty-two; thence along the west bounds of subdivisions five and six of said great lot to the north bounds of great lot thirty-five; thence along the west bounds of subdivision sixteen, fourteen and twelve to the north bounds of great lot number thirty-eight; thence south to the north-west corner of subdivision three of said great lot; thence along the west bounds of said subdivision three to the north bounds of great lot number forty-one; thence along the same to the north-west corner of said great lot; thence along the west bounds thereof to the north bounds of great lot sixty-one; thence along the same to the north-west corner of great lot sixty-two; thence along the west bounds thereof to the south-west corner of the same; thence continuing in the same course as the last line to and across the west branch of the Delaware river to southerly bank thereof; thence southerly to the most northerly corner of subdivision thirteen of division six, great lot thirty-five of the great Hardenburgh patent; thence southerly to the northerly bounds of the town of Hancock, in said county of Delaware, at the south-east corner of division eight of said great lot thirty-five of said Hardenburgh patent; thence along the northerly bounds of the town of Hancock to the easterly bounds of the State of Pennsylvania; thence northerly along the easterly bounds of Pennsylvania and along the east bounds of the county of Broome, in the State of New York, to the south-west corner of the town of Masonville, Delaware county, New York; thence along the southerly bounds of the town of Masonville to the place of beginning, is hereby erected into a separate and new town, to be hereafter known and distinguished by the name of "Deposit."

Town of Tompkins.

§ 2. All that part of the present town of Tompkins not included within the boundaries described in section one of this act shall be and remain a separate town in said county, known and distinguished by the name of "Tompkins."

First annual town meeting in Deposit.

§ 3. The first annual town meeting in said town of Deposit, hereby erected, shall be held at the engine-house in the village of Deposit, on the second Tuesday of February, one thousand eight hundred and eighty-one, and the county judge of Delaware county shall appoint three persons, residents of said town, to preside at such meeting, who shall open the polls, appoint a clerk and exercise the same powers as justices of the peace when presiding at town meetings.

State and county tax, how to be levied.

§ 4. The supervisors of the county of Delaware shall in their annual tax levy in the year one thousand eight hundred and eighty-one, and in each year thereafter, assess, levy and collect against the taxable property, real and personal, of the said town of Deposit, the proportion of the State and county taxes to be borne by said town according to law, and shall issue their warrant for the collection of such taxes to the collector of the town of Deposit, who shall collect the same and make return and payment thereof in the same manner as is provided by law for collections, returns and payments by town collectors.

Expenses to be charged to Deposit.

§ 5. All necessary expenses incurred and to be incurred in the division of the said town of Tompkins shall be a charge upon and paid by the town of Deposit, hereby erected.

Not to affect town officers.

§ 6. Nothing in this act shall affect the rights or abridge the term of office of any town officer in either of said towns of Tompkins or Deposit, and the officers elected on the second Tuesday in February, one thousand eight hundred and eighty, at the annual town meeting

of the town of Tompkins as it existed prior to the passage of this act, shall hold over and perform the duties of their respective offices for both the town of Tompkins as hereby continued and the town of Deposit as hereby constituted, until the election of town officers for the said town of Deposit as provided by this act, after which the territorial jurisdiction of such officers other than justices of the peace shall not extend beyond the limits of the town in which they shall reside after the division made by this act.

§ 7. All acts inconsistent with the provisions of this act are hereby repealed except that nothing in this act contained shall affect the provisions of any special act relating to the village of Deposit, situated partly in said town of Deposit. Inconsistent acts repealed.

§ 8. This act shall take effect immediately.

CHAP. 179.

AN ACT to authorize the comptroller to admit the unpaid taxes of the year eighteen hundred and seventy-nine, assessed upon lands in the several counties of the State which were bid in by the State at the tax sale of eighteen hundred and seventy-seven, and to which the State acquired title from said tax sale.

PASSED May 6, 1880, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller is hereby authorized and required to admit the unpaid taxes of the year eighteen hundred and seventy-nine, assessed upon lands in the several counties of this State to which the State acquired title from the tax sale of eighteen hundred and seventy-seven, in the same manner as if said lands had not become the property of the State; and the taxes so admitted shall be a lien upon said lands. And whenever any such lands shall be sold by the State, all taxes which may remain unpaid thereon on the books of the comptroller's office shall be paid by such purchaser before any patent shall be issued therefor. Comptroller to admit unpaid taxes on lands bid in by state in 1877. When lands are sold, taxes must be paid by purchaser.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 180.

AN ACT to repeal section three of chapter three hundred and ninety-two of the laws of eighteen hundred and seventy-three, entitled "An act for the relief of the Corning library," and all acts amendatory thereof.

PASSED May 6, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter three hundred and ninety-two

of the laws of eighteen hundred and seventy-three, entitled "An act for the relief of the Corning library," and all acts amendatory thereof are hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 181.

AN ACT to authorize the reception and treatment in Bellevue Hospital of persons who do not reside in the city of New York.

PASSED May 6, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners may permit persons not residing in N. Y. city to be treated in Bellevue Hospital. Proviso. Money received to be paid to the comptroller.

SECTION 1. The commissioners of the department of public charities and correction, in the city of New York, are hereby authorized, in their discretion, to permit the reception and treatment in Bellevue Hospital of persons who do not reside in the city of New York, provided that every person so received and treated shall be required to pay such sum for board and attendance as may be fixed by said commissioners. All sums so paid shall be reported by the said commissioners to the comptroller, and paid over to the chamberlain of said city once in every three months, and shall be added to, and form a part of, the annual appropriation made by the board of estimate and apportionment for supplies for said department, and may be expended in the same manner as the moneys appropriated for that purpose by said board of estimate and apportionment.

§ 2. This act shall take effect immediately.

CHAP. 182.

AN ACT to authorize corporations formed for the erection of buildings to mortgage their property and franchises.

PASSED May 6, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporations may mortgage property to secure payments of debts, and issue mortgage bonds on written assent of majority of stockholders.

SECTION 1. Any company formed under the act entitled "An act to authorize the formation of corporations for the erection of buildings," passed April fifth, eighteen hundred and fifty-three, or of the acts amending or extending said act, may secure the payment of any debt heretofore contracted or which may be contracted by it in the purchase of property for the business for which it is incorporated, by mortgaging, including right to issue mortgage bonds on all or any part of the real estate, goods and chattels of such corporation, and also the franchises, privileges, rights and liberties, provided that the written assent of a majority of the stockholders owning at least two-thirds of the capital stock of such corporation shall first be filed in the office of the clerk of the county where the corporation has its principal place of business, and also in the office of the clerk of the county where such real estate, goods and chattels are situated.

§ 2. This act shall take effect immediately.

CHAP. 183.

AN ACT to extend the time for the collection of taxes in the county of Richmond.

PASSED May 6, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the county of Richmond is hereby extended to the first day of June, eighteen hundred and eighty; provided, however, that, within ten days after the passage of this act, the collectors of said county shall pay over all moneys already collected and execute an official bond to the satisfaction of the supervisors of the several towns respectively of the said county of Richmond, but nothing herein contained shall be construed as extending the time for the payment of the State tax, or any part thereof by the county treasurer of said county to the comptroller as is now provided by law. Time for collection of taxes extended. Proviso.

§ 2. This act shall take effect immediately.

CHAP. 184.

AN ACT to prevent the bribing and corrupting of officers of the Seneca Nation of Indians.

PASSED May 6, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish, or agree to furnish, in whole or in part, to the president or to any counselor, peace-maker, or other officer of the Seneca Nation of Indians, any money, goods, right in action, or other property or any thing of value, or any pecuniary or other individual advantage, present or prospective, with intent to influence his vote, opinions, judgment or action, upon any question, matter, cause or proceeding which may be pending, or may be brought before him in his official capacity, shall, upon such conviction, be imprisoned in the State prison not exceeding five years, or shall be fined not exceeding one thousand dollars, or both, in the discretion of the court. Promise of gifts, etc., prohibited. Punishment.

§ 2. Every officer in the last enumerated section, who shall accept any such gift, thing of value or any promise to make the same, under any agreement that his vote, opinion, judgment or action, shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question, matter, cause or proceeding then pending, or which may be brought before him in his official capacity, shall, upon conviction, be forever disqualified from holding any office, trust or appointment under the constitution or laws of the Seneca Nation of Indians, and shall forfeit his office and shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding two hundred dollars, or both, in the discretion of the court. Acceptance of gifts, etc., prohibited. Punishment.

Conveying gifts, etc., prohibited.

§ 3. Every person who shall knowingly bear or convey any such gift, gratuity or proposal, or shall in any manner negotiate between any other persons for any act in violation of the provisions of the preceding sections shall, upon conviction, be punished in like manner and to the same extent as the principal offender, respectively, would be liable to be punished under the provisions of this act.

Offenders competent witnesses.

§ 4. Every person offending against either of the provisions of the preceding sections shall be a competent witness against any other person so offending, and may be compelled to appear and give evidence before any magistrate or grand jury as in any court in the same manner as other persons, but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

§ 5. This act shall take effect immediately.

CHAP. 185.

AN ACT to extend the time for the construction and completion of the Penn Yan and New York Railway.

PASSED May 6, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time to construct rail road extended for 3 years from Jan. 1, 1880.

SECTION 1. The time in which the Penn Yan and New York Railway Company may construct and complete said railroad, or cause the same to be done, is hereby extended for three years from the first day of January, eighteen hundred and eighty; and if completed within that time, the conveyance and alienation of all the right, title and interest of the State of New York in and to the banks and prism of the Crooked Lake canal to the said railroad company, heretofore executed by the commissioners of the land office, bearing date the eighteenth day of April, eighteen hundred and seventy-eight, shall have the same force and effect as though the said railroad company had constructed and completed said railroad, as required by section two of chapter one hundred and forty-three of the laws of eighteen hundred and seventy-eight; and any forfeiture of the said conveyance by the failure to construct and complete said railroad, as therein provided, is hereby waived.

§ 2. This act shall take effect immediately.

CHAP. 186.

AN ACT to repress and punish disorderly conduct on public conveyances.

PASSED May 6, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Disorderly conduct.

SECTION 1. Any person who shall by any offensive or disorderly act, or language, annoy or interfere with the passengers of any public stage,

railroad car, ferry boat, or other public conveyance, or who shall disturb or offend the occupants of such stage, car, boat or conveyance, by any disorderly act, language or display, although such act, conduct or display may not amount to an assault or battery, shall be deemed guilty of a misdemeanor, and any police justice or justice of the peace of the city or county in which any of such acts shall be committed, shall have jurisdiction thereof. etc., a misdemeanor. Police justice and justices of the peace, to have jurisdiction.

§ 2. This act shall take effect immediately.

CHAP. 187.

AN ACT to amend chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations."

PASSED May 6, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-two of chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations," is hereby amended so as to read as follows: Sec. 32, chap. 611, Laws of 1875, amended.

§ 32. "Any existing corporation heretofore organized under the general laws of this State, except such corporations as are particularly excepted by the first section of this act from organizing thereunder, may come under and avail itself of the privileges and provisions of this act by complying with the following provisions: The directors of such corporation shall publish a notice, signed by at least a majority of them, in a newspaper published in the county in which the principal business office thereof is situated, for at least three successive weeks, and to deposit a written or printed copy thereof in the post-office, postage prepaid, addressed to each stockholder, at his last known place of residence, at least three weeks previous to the day fixed upon for holding such meeting, specifying the object of the meeting, and the time and place when and where such meeting shall be held. At the time and place specified in the notice, the stockholders shall organize by choosing one of the directors chairman of the meeting, and, also, a suitable person for secretary, and proceed to a vote of those present, in person or by proxy; and if votes representing a majority of all the stock of the company shall be given in favor of availing itself of the provisions of this act, the said officers shall make a certificate of the proceedings, showing a compliance therewith, duly acknowledged, and stating: Corporations that may avail themselves of this act. Directors to publish notice of meeting of stockholders. Meeting, etc. Vote. Certificate of proceedings.

1. The name of the corporation. Contents of.

2. The object for which it is formed, including the nature and locality of its business.

3. The amount and description of the capital stock.

4. The number of shares of which such capital stock consists.

5. The location of the principal business office.

6. The duration of the corporation, which, however, shall not exceed fifty years.

7. The names of the directors for the ensuing year; which certificate, with a copy of the by-laws of such corporation, shall be filed in Filing of.

the office of the secretary of State and of the clerk of the county in which the principal business office of such corporation is situated.

When deemed to be organized.

From the time of such filing such corporation shall be deemed to be a corporation organized under this act, and, if originally organized or incorporated under any general law of this State, shall have and exercise all such rights and franchises as it has theretofore had and exercised, under the laws pursuant to which it was originally incorporated.

Existing liabilities not affected.

But such change or proceedings shall not in any way affect, change or diminish the existing liabilities of the corporation so availing itself of the provisions of this act.

To what corporations this act applies.

§ 2. The provisions of this act shall apply to and include any corporation which might, under the terms of this act, come under and avail itself of the said act hereby amended, and which shall have heretofore taken proceedings and filed papers as required by said last-mentioned act, for the purpose of coming under the same and availing itself of the provisions thereof.

§ 3. This act shall take effect immediately.

CHAP. 188.

AN ACT to amend chapter one hundred and twenty-five of the laws of eighteen hundred and eighty, entitled "An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to take up certain bonds which, under chapter fourteen, section four of laws of eighteen hundred and seventy-two, may be taken up, and to issue others in place of said bonds at a lower rate of interest."

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chap. 125, Laws of 1880, amended by adding new section.

SECTION 1. Chapter one hundred and twenty-five of the laws of eighteen hundred and eighty, entitled "An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to take up certain bonds which, under chapter fourteen, section four of laws of eighteen hundred and seventy-two, may be taken up, and to issue others in place of said bonds at a lower rate of interest, is hereby amended by adding thereto the following section, which shall be known as section six of said act:

Commissioners to advertise for proposals.

§ 6. Before issuing the said bonds, the said commissioners shall advertise four weeks in each of the newspapers of Lewis county for sealed proposals.

Contents of notice.

Such notice shall state the denomination of the bonds to be issued, and when payable, and that the same will be awarded to the persons bidding for the same at the lowest rate of interest.

Meeting of commissioners to open proposals and make award.

On the Monday following after the last publication of such notice, the said commissioners shall meet at the court-house in Lowville at ten A. M., and publicly open such sealed proposals, and thereupon award to the lowest bidder the bonds that said lowest bidder chooses to take. In case there is more than one bidder at the lowest rate, the said commissioners shall divide the said bonds as near as may be to such lowest bidders.

Commissioners may re-

In case all the bonds are not taken by such lowest bidders, and the said commissioners deem it to be for the best interest of the town, they may reject the other proposals at a higher rate and

re-advertise for new proposals in the manner hereinbefore provided. If all of the said bonds are not disposed of at such second sale, then the said commissioners may dispose of the remainder as they shall deem for the best interest of the town, providing that no bonds shall be issued at a rate of interest higher than six per cent. Reject proposals, etc. Rate of interest.

§ 2. Section six of said act shall be known as section seven.

§ 3. This act shall take effect immediately.

CHAP. 189.

AN ACT to amend chapter eight hundred and sixty-eight of the laws of eighteen hundred and seventy two, entitled "An act to incorporate the United States Loan and Security Company."

PASSED May 7, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter eight hundred and sixty-eight of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the United States Loan and Security Company," is hereby amended so as to read as follows: Sec. 5, chap. 868, Laws of 1872, amended.

§ 5. The corporate powers of the company shall be vested in a board of directors to consist of not less than nine nor more than twenty-one, who shall be annually elected by the stockholders, a majority of which board shall constitute a quorum for the transaction of business. The persons named in the first sections of this act, together with any associates to be chosen by them, shall be directors for one year from the passage hereof, unless on their resignation others are elected in their stead. Each stockholder shall be entitled to as many votes as he may have shares of stock standing in his or her name on the company's books, and may vote in person or by proxy; furthermore an election of stockholders shall not be valid unless a majority of the stock shall be represented at such election. Corporate powers to vest in board of directors. Directors. Votes.

§ 2. This act shall take effect immediately.

CHAP. 190.

AN ACT to amend chapter three hundred and ninety-one of the laws of eighteen hundred and seventy-eight, entitled "An act authorizing the city of Binghamton to use a portion of the Chenango canal for a public street."

PASSED May 7, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and ninety-one of the laws of eighteen hundred and seventy-eight, entitled "An act authorizing the city of Binghamton to use a portion of the Chenango canal for a public street," is hereby amended so as to read as follows: Sec. 1, chap. 391, Laws of 1878, amended.

City may take possession and use portion of old canal for State street.

§ 1. On and after the first day of June, eighteen hundred and seventy-eight, the city of Binghamton is authorized to take possession of and use that portion of the old Chenango canal lying within the limits of the said city, and to lay out, record, fill in and grade the same as and for a public street, to be known as State street in said city, and for this purpose the said city shall have power summarily and without legal process to remove all encroachments upon said canal lands, and any person hindering or obstructing said city or its proper officer in removing any such encroachments shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding two hundred and fifty dollars for each offense.

Penalty for hindering city taking possession.

Section 2, amended.

§ 2. Section two of said act is hereby amended so as to read as follows:

State releases that portion of canal to city.

§ 2. For the purposes aforesaid, the State releases to the said city of Binghamton that portion of said canal described in the foregoing section, on condition that the city release the State from all obligations to maintain the bridges and other structures on said canal within said city limits; and such strips or portions of said canal lands lying upon either side of said State street, and not necessary to make said street sixty feet wide its entire length through said city, may by said city be released and quitclaimed to the several owners of the adjacent lands, except such parts or portions as shall be necessary for the extension to or across the said State street of any cross streets in said city, and said city may forthwith extend to and connect with said State street, North Depot and Eldridge streets. Said city shall have the same power to assess the expenses of opening and grading said State, North Depot, Eldridge and any other cross streets upon property benefited by such improvements, as it possesses by law in the opening and grading of new streets, and in all other respects shall exercise the same power and control over said streets as over the other streets of said city.

Power to assess expenses of opening and grading streets.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 191.

AN ACT to provide for the establishment and maintenance of a public market place for farmers and market gardeners, in the city of New York, for the acquisition of lands for this purpose, and for the regulation and management of the same.

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact follows:

Lands declared a public market.

SECTION 1. The lands situated in the ninth ward of the city of New York, and bounded on the north by Bloomfield street, on the south by Gansevoort street, on the east by West street and Tenth avenue, and on the west by Thirteenth avenue, and the block of ground in said city bounded by Gansevoort, Little West Twelfth, Washington and West streets, and Tenth avenue, are hereby declared to be a public market place for farmers' wagons, whereon farmers and market gar-

deners bringing their farm and garden produce to the city of New York in wagons may dispose of the same. The mayor, the comptroller, and the three aldermen of said city, elected in the aldermanic district consisting of the eighth, ninth, fifteenth and sixteenth wards thereof, are hereby authorized to purchase in the name of the mayor, aldermen and commonalty of the city of New York, such portions of the lands above described as are not the property of the city of New York, at such prices as may be mutually agreed upon by the owners of such lands and said five officers; provided that in no case shall any such lands be purchased, nor any price be agreed upon for the same, without the concurrence of the comptroller. The said mayor, comptroller and aldermen, for and in behalf of the mayor, aldermen and commonalty of the city of New York, are also authorized, in their discretion, to acquire title to the said lands, or any portion thereof, for public use, as and for a public market place, and for that purpose, to verify and present a petition to the supreme court, at any general or special term thereof, held in the first judicial district, for appointment of three commissioners of estimate and assessment, which petition shall aver that such lands are necessary for the said public market place, and that the mayor, aldermen and commonalty of the city of New York have not been able to acquire title thereto and the reason of such inability. The petition shall also state the names and places of residence, so far as the same can, by reasonable diligence, be ascertained, of the persons who own, or hold or claim to own, or hold estates or interests in the said lands, and if any such persons are infants, their ages as near as may be shall be stated, and if any such persons are idiots or persons of unsound mind, or are unknown, the fact shall be stated, together with such allegations of liens or incumbrances as may be proper. A copy of such petition, with notice of the time and place the same will be presented to the supreme court, shall be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the presentation of the same to the said court.

Mayor, etc., to purchase same.

To acquire title by proceedings in court.

What petition must state.

Service of, etc.

§ 2. Such proceedings shall be prosecuted on said petition, and such assessments shall be made by the said commissioners of estimate and assessment under the rule of assessment as prescribed in this act, and by the same proceedings, so far as may be consistent with this act, as are provided for in and by chapter eighty-six of the laws of eighteen hundred and thirteen, entitled "An act to reduce several laws relating particularly to the city of New York into one act," in relation to the opening and laying out streets, avenues, squares or public places and the several acts amendatory thereof and supplementary thereto, and such assessments shall be controlled and their collection enforced in the same manner provided for in the said acts, and such assessments, when confirmed, shall be a lien on the lands assessed until the same shall be paid, except that the commissioners of estimate and assessment, appointed by the supreme court, shall assess, for the taking of the said lands, all such parties and persons, lands and tenements, as they may deem to be benefited by the establishment and maintenance of said public market place, to the extent which said commissioners deem such parties, persons, lands and tenements benefited thereby; provided, however, that the whole amount so assessed shall not exceed the sum of fifty thousand dollars.

Proceedings on petition.

Assignments, how to be controlled and enforced.

§ 3. It shall be the duty of the counsel to the corporation of the city of New York to take such proceedings, to acquire title as aforesaid and to perform all legal services required in carrying out the provisions of this act, upon the request of said mayor, comptroller and

Counsel to corporation to take proceedings

to acquire title.

When mayor, etc., to meet and organize.

aldermen without any additional compensation beyond the salary now provided by law. The said mayor, comptroller and aldermen shall meet and organize within twenty days after the passage of this act, and they, or a majority of them, shall have power to perform any act required to be performed by them under the provisions of this act, but neither of them shall receive any compensation for his services hereunder. After the said lands have been acquired, the commissioner of public works of said city shall prepare the same for occupancy, and shall have power to purchase and erect the necessary appurtenances and structures for the purposes aforesaid under such restrictions as have been, or shall be established by law, for the control of the expenditures of the departments of the said city. The docks, piers and bulk-heads on the Hudson river, from Gansevoort street to Little West Twelfth street, in said city, shall be set apart by the department of docks, or such department as shall have control thereof, and kept for the use of boats, barges and other vessels engaged in the business of transporting farm and garden produce, at such rates of wharfage as have been, or shall be, lawfully established.

Commissioner of public works to prepare land for occupancy.

Docks, etc., to be set apart.

Revenue bonds to defray expense.

§ 4. For the purpose of defraying the expense to be incurred in executing the provisions of this act, the said comptroller is hereby authorized and directed to issue and sell, in such amounts and at such times as shall be required, revenue bonds of said city, to an amount not exceeding the sum of two hundred thousand dollars. For the purpose of providing for the payment of said revenue bonds, the board of estimate and apportionment of said city shall appropriate a sum of not exceeding one hundred and fifty thousand dollars, which amount shall be included in the final estimate of said board for the year one thousand eight hundred and eighty-one, and shall be raised according to law, and collected by tax upon the estates, real and personal, subject to taxation within the city of New York. The amount assessed, as hereinabove provided, shall be collected and paid into the city treasury, and applied toward the payment of said revenue bonds. If any deficiency shall arise from any cause, and a sufficient amount shall not be realized from such assessment to pay fifty thousand dollars of said revenue bonds, with the interest thereon, such deficiency shall be provided for by the said board of estimate and apportionment, by including the same in the annual appropriation first made, after the amount of such deficiency, if any, shall be ascertained.

Appropriation.

Deficiency, how to be provided for.

Surveys, etc.,

§ 5. The said mayor, comptroller and aldermen shall have power to call upon any department of the city government, or any officer whose salary is paid out of the city treasury, to furnish any drawings, plans or surveys that may be required, as well as for clerical or other assistance, and the same shall be furnished without expense.

Lands, how to be used.

§ 6. The lands hereby set apart as a public market place shall be kept for the exclusive use of farmers and market gardeners, and the finance department of said city shall have the exclusive charge and control of said public market place, and the wagons engaged in the business of selling farm and garden produce in said city, and shall have power to make suitable regulations concerning fees, the hours during which the business of selling said produce shall be conducted, and of the general management of the same.

§ 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 8. This act shall take effect immediately.

CHAP. 192.

AN ACT to incorporate "The German Masonic Temple Association of the city of New York."

PASSED May 7, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following persons, masters and members of the respective lodges of free and accepted masons hereinafter named, working under the jurisdiction of the grand lodge of the State of New York, namely: Francis Broemer, master of the Trinity Lodge number twelve, and George Reinherr, Henry Gauzenmueller and Adolphus Muller Neuhoff, members of said lodge; George Meyer, master of the German Union Lodge number fifty-four, and Charles Reinworth, Philip Kompff and Henry Sann, members of said lodge; Rudolph Kuester, master of the Pythagoras Lodge number eighty-six, and Peter Hansen, Henry Johnson and Nicholas Borchers, members of said lodge; Frederick Forber, master of the German Pilgrim Lodge number one hundred and seventy-nine, and Albert Janicke, Charles Boss and Charles Brauer, members of said lodge; Henry Gilbert, master of the Germania Lodge number one hundred and eighty-two, and Adam Hubschmidt, William Dittmar and William Mueller, members of said lodge; Henry Rehwinkle, master of the Harmony Lodge number one hundred and ninety-nine, and David Elsaesser, John Wohn and Bernard Eybel, members of said lodge; Jacob Eidt, master of the Zschokke Lodge number two hundred and two, and John Keim, Michael Keiser and Francis de Galignon, members of said lodge; Edward Wassmann, master of the Navigator Lodge number two hundred and thirty-two, and Henry Truberg, John Mahl and Christian Ruff, members of said lodge; Peter Schneider, master of the Fessler Lodge number five hundred and seventy-six, and John M. Wenneis, Ferdinand Ehrhardt and Frank Herbst, members of said lodge; William F. I. Prelle, master of the Teutonia Lodge number six hundred and seventeen, and William Liesenbein, William Heyenga and Augustus William V. Todenwarth, members of said lodge; Jacob Metz, master of the Goethe Lodge number six hundred and twenty-nine, and Frederick Mohr, Charles Motz and Peter Rauch, members of said lodge; Abram Lasker, master of the Beethoven Lodge number six hundred and sixty-one, and Gustavus Levy, Elias J. Zacharias and Sigismund Herschmann, members of said lodge; the said persons acting solely in behalf of and representing the respective lodges, of which they are named masters and members, and their successors, are hereby constituted a body corporate by the name of "The German Masonic Temple Association of the city of New York." Corporators. Corporate names.

§ 2. The corporation so created is hereby authorized and empowered to take and hold by purchase, gift, bequest or devise, real and personal property to the amount of two hundred thousand dollars for the objects and purposes of its incorporation, subject, however, to the limitations of the act relating to wills, passed April thirteenth, eighteen hundred and sixty. Powers.

§ 3. The object of said corporation is, to purchase, take and hold suitable grounds and buildings, or to erect on such grounds a suitable building or buildings and furnish the same for the use and accommo- Object.

dation of the masonic fraternity in said city of New York, and out of the net profits derived from the rents and income thereof, or from other sources, to build, establish and maintain an asylum or asylums for the support or relief of worthy indigent masons, their widows and orphans.

May borrow money. For what purpose.

§ 4. The said corporation shall have power, from time to time, to borrow such sums of money as may be required for the purchase of lands or buildings for said corporate purposes, or for the purpose of constructing and erecting a suitable building or buildings as aforesaid, or for the purpose of discharging any indebtedness incurred by said corporation in completing said purchase, or for the purpose of rebuilding, reconstructing, altering, repairing, furnishing or remodeling any building or buildings owned by said corporation, and for such purposes from time to time to execute, acknowledge and deliver a bond or bonds of said corporation, and from time to time to mortgage such lands or other property belonging to said corporation, or any part or parts thereof, to secure the payment of such bonds, or any of them.

May lease portion of its grounds.

§ 5. The said corporation is hereby authorized and empowered to lease as tenements, or for any other lawful purpose, such portion or portions of its grounds, building or buildings, as are not needed or used for masonic purposes, and to collect the rents from time to time accruing thereon, and to apply the funds derived therefrom to the purposes hereinbefore mentioned.

Business to be managed by board of directors.

§ 6. The business of said corporation shall be managed and controlled by a board of directors. Each one of the subordinate lodges named and numbered in the first section of this act, for such length of time as it shall be working under the jurisdiction of the above-named grand lodge, shall be represented in said board by four directors, unless it withdraws from said corporation as hereinafter provided.

Lodge may withdraw.

Any one of said lodges may withdraw from the association incorporated as aforesaid; and, thereupon, the right of such lodge to be represented in said board of directors, and all the right, title and interest of such lodge in and to the corporate property, and in and to the management and control of the business of said corporation, shall wholly cease. The right to be represented in said board, and all the rights, power and privileges of said corporation, shall vest exclusively in the lodges remaining members of said association. All the lodges entitled to representation in said board of directors shall hold their regular communications in a building in the city of New York, to be designated by said board and to be called "The German Masonic Temple," and the failure of any one of said lodges to comply with this requirement shall be deemed equivalent to the withdrawal of such lodge from said association; and the rights and privileges of such lodge under this act shall, thereupon, cease as aforesaid.

Regular communications, when to be held.

First directors.

§ 7. The persons named in the first section of this act shall be, and they are, hereby constituted the first directors of said corporation, and shall hold their office until their successors are elected as hereinafter provided. The master for the time being of each lodge entitled to representation in said board shall be one of said directors, ex officio, for such length of time as he may hold the office of such master. The other three delegates of each lodge to said board shall, at the first meeting of the board, divide themselves by lot into three classes. The first class shall hold office until the thirty-first day of December next; the second class until one year, and the third one until two years thereafter. At the regular annual meeting for the election of officers

Terms of office of directors.

next preceding each of said dates, each lodge shall elect from its members, in conformity with its constitution and by-laws, one delegate to said board of directors, as successor of the respective director whose term of office is then about to expire as aforesaid, and the successor so elected shall hold office for three years from and after the expiration of the official term of his predecessor. Any subsequent vacancy about to arise by the expiration of the term of any of the three directors so elected shall be filled by the respective lodge in like manner and for a like period of time. In case of any vacancy arising in said board by death, resignation or otherwise, prior to the expiration of the official term aforesaid, it shall be lawful for the respective lodge left wholly or partially unrepresented in said board of directors by such vacancy, to fill the same for the unexpired term, by an election held at any meeting of the lodge especially called for such purpose. But no one shall be elected or be permitted to remain a director of said corporation, except he is a member, in good standing, of the Masonic fraternity and of the respective lodge represented by him.

Delegates, election of.

Vacancies, how to be filled.

Qualification of directors.

§ 8. The said board of directors shall organize by electing from their number a president, vice-president, secretary and treasurer, who shall hold office for such periods of time as may be provided by the rules of said board; each of said officers shall have all the rights and powers, and perform all the duties usually possessed by and incumbent upon such officers; and may, from time to time, elect or appoint such committees, and such subordinate officers or agents as may be deemed necessary or proper for the purpose of said corporation, and the transaction of the business of the board. The board of directors may make such by-laws, rules and regulations as they may deem necessary, proper or expedient, not inconsistent with this charter, nor contrary to the constitution and laws of this State, or of the grand lodge to which they are subordinate, and may, from time to time, amend, alter or repeal the same, as they may deem proper for the management of the affairs of said corporation.

Organization of board; election of officers, etc.

By-laws, etc.

§ 9. The said board of directors shall have no power to purchase, sell, convey or dispose of any real property belonging to said corporation, or any interest therein, except for a term not exceeding five years, unless they shall be previously authorized so to do by a majority of the lodges entitled to representation in said board, by resolution passed at a regular or stated communication of said lodges. The said directors shall, at all times, obey and abide by the directions, orders and resolutions of said lodges, or a majority of them duly passed at any regular or stated communication thereof, according to the constitution and laws of this State or of the grand lodge aforesaid. Nor shall the said directors have power to transact or perform any business herein authorized, except in session as a board. Fifteen members of said board shall constitute a quorum for the transaction of business.

Purchase and sale of real property.

Quorum.

§ 10. Said corporation shall not forfeit its charter nor be dissolved by reason of any omission or neglect by any of said lodges entitled to representation in its board of directors to elect a director or directors at its regular annual meeting for the election of officers as aforesaid; but it shall be lawful for any of said lodges, in case of such neglect or omission, to elect such director or directors at any meeting of such lodge thereafter to be called for such purpose. And until a vacancy arising from the expiration of the official term of a director is filled as aforesaid, the incumbent director shall continue to hold such office and perform the duties thereof.

Failure to elect directors not to dissolve corporation.

Until vacancy is filled director to hold over.

Annual report.

§ 11. The said board of directors, or their elected officers above mentioned, shall, on or before the first day of February in each and every year after the passage of this act, report to each of the lodges entitled to representation in said board the names of the directors of said corporation, the amount and value of the property owned and possessed by said corporation, the income, interest and receipts therefrom, the amount and nature of all debts owing by said corporation, and, if secured, in what manner and on what property, together with all other matters and things relating to said corporation; and shall also on or before said day file such report, subscribed and sworn to by them, with the clerk of the city and county of New York.

General powers.

§ 12. The said corporation shall possess the powers and be subject to the restrictions and liabilities prescribed in title three, chapter eighteen, part one of the Revised Statutes.

§ 13. This act shall take effect immediately.

CHAP. 193.

AN ACT to incorporate the board of trustees of the fire department of the city of Troy.

PASSED May 7, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Election of trustees.

SECTION 1. The members of each steam engine company, hand engine company, hook and ladder company and hose company under the control of the board of fire commissioners of the city of Troy, shall at the annual election for officers on the first Monday of January in each year, or on any other day to which said annual election shall be postponed, elect from their own number two persons to be known as trustees, and such trustees so elected by the members of the different companies as aforesaid are hereby constituted a body corporate, in fact and in name, to be known as the board of trustees of the fire department of the city of Troy, and by this name they and their successors shall have power to purchase, hold, sell and convey any estate, real and personal, for the use of said corporation, not exceeding twenty-five thousand dollars.

Corporate name.

Officers.

§ 2. The officers of said board of trustees shall be a president, vice-president, secretary and treasurer. The president, vice-president and secretary must be elected from the trustees, but any active or exempt member of the Troy fire department shall be eligible to hold the office of treasurer. Said officers shall be elected annually on the second Monday of January, or within one month thereafter, at such place and in such manner as may be designated by the by-laws of said board of trustees.

Annual election.

First trustees.

§ 3. The first trustees under this act shall be John W. Schofield, William J. Macdonald, Thomas J. Guy, Edward J. McKenna, John J. Hassett, John J. Barron, Frank Hydorn, David R. Clary, Bernard Cusack, Morgan Allen, James Donnelly, Thomas Daly, Chas. D. Watson, Daniel W. Bastable, John Broderick, Hiram H. Ford, John H. MacDonald and Richard H. Van Alstyne; and the following shall be the officers: John J. Hassett, president; John Broderick, vice-president; Chas. D. Watson, secretary, and William M. Peckham,

treasurer, all of whom shall hold their respective offices and continue to discharge the duties under this act until their successors are chosen.

Objects.

§ 4. The objects of said corporation are hereby declared to be the providing, maintenance and control of a fund for the relief of indigent and disabled firemen, and of the widows and orphans of deceased firemen, and to this end, the said board of trustees shall have power to receive any and all moneys or property that may come into possession of said corporation by donation, bequest or otherwise, and it shall be lawful for the said board of trustees, and they are hereby authorized and empowered to receive all moneys due from agents of insurance companies doing business in the city of Troy, as are liable to make such payments as provided by chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, as amended by chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-six, and to dispose of and disburse the same, and the income arising therefrom, for the objects above stated, subject to such rules and by-laws as said board of trustees may hereafter adopt, and any person now holding any moneys which may have come into his hands by virtue of holding the office heretofore known as treasurer of the fire department of the city of Troy, is directed to pay the same to the treasurer of the board of trustees named in this act, within thirty days after the passage of this act, and take the receipt of said treasurer of the board of trustees for the moneys so paid to him, and said receipt shall be a full discharge from all liability on the part of any person paying the same as aforesaid, and in case said moneys are not paid as above set forth, then it shall be lawful for said board of trustees to commence an action for the recovery of the same.

Treasurer of fire department to pay moneys to treasurer of board of trustees.

By-laws, etc.

§ 5. The said board of trustees shall have power to make such by-laws, rules and regulations from time to time as they may deem expedient and proper, not inconsistent with the charter of the city of Troy. The treasurer of said board of trustees, before entering upon the discharge of his duties, shall execute a bond with two responsible sureties, in the sum of ten thousand dollars, to said board of trustees, for the faithful performance of his duties. The books of said treasurer shall be at all times open for inspection by any member of the said board of trustees or the chamberlain of the city of Troy.

Treasurer to give bond.

§ 6. All acts and parts of acts inconsistent with the provisions of this act are repealed.

§ 7. This act shall take effect immediately.

CHAP. 194.

AN ACT to authorize the board of supervisors of the county of Onondaga to borrow money by issuing the bonds of said county and to provide for the payment of such bonds.

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervisors may sell bonds.

Amount limited.

SECTION 1. The board of supervisors of the county of Onondaga is hereby authorized and empowered to issue and sell, in the manner prescribed by law, the bonds of said county, not to exceed in amount the sum of seventy-five thousand dollars, the proceeds of which shall be appropriated and used for a building fund, to pay for the construction of a county

clerk's office building in the city of Syracuse, upon premises heretofore purchased by said board for a site and for no other purpose. Said bonds shall be made to become due as follows: Twenty-five thousand dollars, March first, eighteen hundred and ninety-three; twenty-five thousand dollars, March first, eighteen hundred and ninety-four, and the residue, March first, eighteen hundred and ninety-five, with interest payable annually at a rate not to exceed five per centum per annum. Said board of supervisors is authorized to levy and collect the amount of the interest and principal of said bonds as they shall become due in the same manner in which other county expenses are levied and collected, and to pay such interest and principal as the same becomes due.

When bonds to become due.

Rate of interest.

Tax to pay principal and interest.

§ 2. This act shall take effect immediately.

CHAP. 195.

AN ACT in relation to the payment of assessments for local improvements in the city of New York.

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Persons liable may pay tax at any time before Sept. 1, 1880.

SECTION 1. At any time before the first day of September, eighteen hundred and eighty, any person liable therefor may pay, to the officer authorized to receive the same, the amount of any assessment for any local improvement in the city of New York, heretofore confirmed and now unpaid, with interest thereon at the rate of seven per centum per annum from the date of confirmation to the date of payment, and at any time on or after said first day of September, and before the first day of December, eighteen hundred and eighty, any such assessment may be paid as aforesaid, with interest, at the rate of nine per centum per annum from the date of confimation to the date of payment.

Rate of interest.

Balance of assessments may be paid within period prescribed in first section.

§ 2. Where any installment or installments of any assessments have been paid under the provisions of chapter one hundred and three of the laws of eighteen hundred and seventy-six, or of chapter one hundred and fifty-nine of the laws of eighteen hundred and seventy-seven, or of chapter two hundred and fifty-five of the laws of eighteen hundred and seventy-eight, the amount of such assessment or assessments remaining unpaid may be paid within the same periods prescribed in the first section of this act and upon the same terms and conditions as therein prescribed.

On payment, assessments to cease to be a lien.

§ 3. Upon such payment in full, as hereinbefore provided, such assessment or assessments shall cease to be a lien upon the property, and shall be deemed fully paid, satisfied and discharged; and there shall be no further interest or penalty by reason of such assessment or assessments not having been paid within the time heretofore required by law or by reason of any statute heretofore requiring the payment of any penalty or interest over the rate hereinbefore provided for upon any unpaid assessment.

Not to apply if property has been sold.

§ 4. No provision of this act hereinbefore contained shall be construed as applicable to or affecting any assessment, for the collection of which assessment the property has been sold.

§ 5. This act shall take effect immediately.

CHAP. 196.

AN ACT relinquishing title and jurisdiction to the United States over certain lands covered with water in the harbor of New York at Governor's, Bedloe's, Ellis' and David's Islands, and Forts Lafayette, Hamilton, Wadsworth and Schuyler.

PASSED May 7, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right and title of the State of New York to the following described parcels of land covered with water, adjacent and contiguous to the lands of the United States, in the harbor of New York, at Governor's, Bedloe's, Ellis' and David's Islands, and Forts Lafayette, Hamilton, Wadsworth (or Tompkins), and Schuyler, and jurisdiction over the same are hereby released and ceded to the United States under article one, section eight, paragraph seventeen of the constitution, for the purpose of erecting and maintaining docks, wharves, boat-houses, sea walls, batteries and other needful structures and appurtenances. Said lands covered with water are bounded and described as follows: Title of State released to United States.

AT GOVERNOR'S ISLAND.

Beginning at a point fifty feet from the head of the main wooden dock, commonly known as the quartermaster's dock, and on a line with the north face of said dock, running thence south five degrees thirteen minutes west for one hundred and thirty-seven feet; thence south fourteen degrees forty-four minutes west for five hundred and ninety-five feet; thence south twenty-nine degrees twenty-five minutes west for four hundred and ninety feet; thence south fifty-three degrees fifty-eight minutes west for six hundred and twenty-two feet; thence north sixty-eight degrees twenty-seven minutes west for ten hundred and eighty-eight feet; thence north eighteen degrees fifty-five minutes west for fifteen hundred and sixty-five feet; thence north seventeen degrees four minutes east for five hundred and thirty-five feet; thence north seventy-nine degrees fifty-eight minutes east for three hundred and eighteen feet to a point fifty feet from the head of the Castle William's dock and on a line with the west face of said dock; thence north eighty-nine degrees forty-eight minutes east for five hundred and eighty-four feet; thence south seventy-four degrees twenty-three minutes east for seven hundred and eighty-six feet; thence south forty-five degrees forty-four minutes east for seven hundred and fifty-one feet to a point fifty feet from the head of the stone dock, and on a line with the north face of said dock; thence south twenty degrees thirty-three minutes east for two hundred and twenty-two feet to the point of beginning. Description of lands at Governor's Island.

AT BEDLOE'S ISLAND.

Beginning at a point fifty feet from the head of the main dock or wharf and on a line with the south-west face of said dock; running thence south forty-one degrees thirteen minutes west for four hundred and twenty-four feet; thence north seventy-two degrees thirteen minutes At Bedloe's Island.

west for four hundred and twenty-three feet; thence north twenty-four degrees twenty-three minutes west for five hundred and forty-eight feet; thence north twenty degrees nineteen minutes east for six hundred and thirty-nine feet; thence north sixty-two degrees one minute east for two hundred and sixty-two feet; thence south twenty-seven degrees seven minutes east for twelve hundred and fifty-five feet, to a point fifty feet from the head of the main dock and on a line with the north-east face thereof; thence south thirty-three degrees four minutes west for forty feet to the point of beginning.

AT ELLIS' ISLAND.

At Ellis' Island. Beginning at a point fifty feet from the head of the east dock and on a line with the north face of said dock; running thence south eighteen degrees thirty minutes east for six hundred and five feet; thence south seventy-one degrees thirty minutes west for two hundred and two feet; thence north eighty-one degrees nineteen minutes west for three hundred and thirteen feet; thence north thirty-two degrees four minutes west for one hundred and seventy-eight feet, this line being parallel to the head of the west dock, and distant fifty feet from said dock; thence due north for five hundred and seventy-seven feet; thence south seventy degrees forty-seven minutes east for four hundred and twenty-four feet to the point of beginning.

AT DAVID'S ISLAND.

At David's Island. Beginning at a point one hundred and fifty feet from the head of the new dock (commonly called the coal dock), and on a line with the north-west face of said dock; running thence north three degrees twenty minutes east for seven hundred and fifty-five feet; thence north seventy-nine degrees five minutes east for six hundred and thirty feet; thence north six degrees twelve minutes east for ten hundred and ninety-six feet; thence north fifty-two degrees twenty-five minutes east for five hundred and fifty-two feet; thence south sixty-nine degrees eighteen minutes east for six hundred and forty-seven feet; thence south thirty-six degrees twenty-eight minutes east for six hundred and four feet; thence south thirty-five minutes east for ten hundred and sixty-six feet; thence south thirteen degrees fifty-four minutes east for eight hundred and thirty-four feet; thence south twenty-three degrees fifty-five minutes west for four hundred and twenty-seven feet; thence south seventy-one degrees forty-nine minutes west for eleven hundred and twenty-one feet; thence north forty-eight degrees eighteen minutes west for fifteen hundred and fifty feet to the point of beginning.

AT FORT LAFAYETTE.

At Fort Lafayette. Beginning at a point ninety-two feet west from the prolongation of the west face of the fort, and eighty feet north from the prolongation of the north face of the said fort, running thence south sixty-seven degrees thirty-four minutes east for four hundred and forty-eight feet; thence south twenty-two degrees twenty-six minutes west for four hundred and forty-eight feet; thence north sixty-seven degrees thirty-four minutes west for four hundred and forty-eight feet; thence north twenty-two degrees twenty-six minutes east for four hundred and forty-eight feet to the point of beginning.

AT FORT HAMILTON.

At Fort Hamilton.

Beginning at a point at high-water mark on the western boundary line of the United States land there situate; running thence in continuation of said boundary line south sixty-four degrees forty-five minutes west for three hundred and twenty feet; thence due south for two hundred and thirty-three feet to a point seventy-five feet from head of the dock (or wharf) and on a line with the north face of said dock; thence south forty-nine degrees thirty-seven minutes east for nineteen hundred and fifteen feet to a point on the continuation of the southern boundary line of the said United States land; thence along said continuation north twenty-one degrees ten minutes east for one hundred and sixty-five feet to a point at high-water mark, on said southern boundary line of said United States land.

AT FORT WADSWORTH (OR TOMPKINS) ON STATEN ISLAND.

At Fort Wadsworth.

Beginning at a point at high-water mark on the northern boundary line of the United States land there situate; running thence in continuation of said boundary line north seventy-three degrees sixteen minutes east for forty feet to low-water mark; thence in continuation of said boundary line north seventy-three degrees sixteen minutes east for fifty feet; thence south forty-eight degrees twenty-three minutes east for ten hundred and seventy-three feet; thence south nine degrees east for sixteen hundred and fifty-two feet; thence south eighteen degrees fifty-seven minutes east for seven hundred feet; thence south forty degrees west for eight hundred and fifty feet to a point on the continuation of the western boundary line of the said United States land; thence north thirty degrees sixteen minutes west for one hundred feet along said continuation of boundary line to low-water mark; thence north thirty degrees sixteen minutes west for three hundred and fifty feet along said continuation to a point at high-water mark on the western boundary line of the said United States land.

AT FORT SCHUYLER.

At Fort Schuyler.

Beginning at a point on the boundary line of the land of the United States at high-water mark on the north shore of Throgg's Neck; running thence in continuation of said boundary line north twenty-one degrees ten minutes east for two hundred and fifty-seven feet to low-water mark; thence in continuation of said boundary line north twenty-one degrees ten minutes east for sixty-three feet; thence south one degree twenty-one minutes east for nine hundred and eighty-eight feet; thence south forty-one degrees east for thirteen hundred and fifty feet; thence south seventy-seven degrees twenty-four minutes east for nine hundred and six feet; thence south forty-four degrees twenty minutes east for five hundred and forty-three feet; thence south five degrees seventeen minutes west for six hundred and thirty-four feet; thence south fifty-two degrees fifteen minutes west for six hundred and twenty-two feet; thence north sixty-three degrees nineteen minutes west for six hundred and ninety-eight feet; thence north fifty-four degrees thirteen minutes west for seventeen hundred and twenty-eight feet; thence north forty-nine degrees thirty-three minutes west for ten hundred and sixty-five feet to a point on the continuation of the boundary line of the said United States land at Throgg's Neck; thence on the line of said continuation north twenty-one degrees ten minutes east for seventy-seven feet to low-water mark; thence

on line of said continuation north twenty-one degrees ten minutes east for one hundred and twenty-three feet to a point at high-water mark on the south shore of said Throgg's Neck and on the boundary line of the present United States land there situate; provided that jurisdiction hereby ceded shall continue no longer than the United States shall own said lands at Governor's, Bedloe's, Ellis' and David's Islands, and at Forts Lafayette, Hamilton, Wadsworth and Schuyler, and the adjacent lands covered with water, herein described and hereby released; and provided, further, that all civil and such criminal process as may lawfully issue under authority of this State may be served or executed over said released lands.

Patent to be issued.

§ 2. The commissioners of the land office are hereby authorized and directed to issue a patent of said released lands to the United States.

§ 3. This act shall take effect immediately.

CHAP. 197.

AN ACT to amend chapter seven of the laws of eighteen hundred and sixty-seven, entitled "An act to establish a board of education in and for the village school district of the town of Malone, in the county of Franklin, and for other purposes."

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 3, chap. 7, Laws of 1867, amended.

SECTION 1. Section three of chapter seven of the laws of eighteen hundred and sixty-seven, entitled "An act to establish a board of education in and for the village school district of the town of Malone, in the county of Franklin, and for other purposes," is hereby amended so as to read as follows:

Board of education to have care and control of schools and academy. Not to affect corporate existence of academy.

§ 3. The said board of education, when it shall be duly organized under the foregoing provisions, shall have the care, management and control of all the schools of said village school district, and also of the academy therein; but nothing in this act shall be held in anywise to affect or impair the separate corporate existence of said academy, or any rights or privileges appertaining to it as such corporation, except as herein expressly provided; and generally, except as qualified by this act, the said board of education shall have, possess and exercise all the powers and privileges conferred on such boards in school districts, other than those whose limits correspond with those of any city or incorporated village by title nine of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four. The said district schools shall be free only to those persons residing in the district authorized to be enumerated and reported with those forming the basis for the apportionment of public money to said district. And the said academy shall also be free to the persons above mentioned, and to all other permanent residents of the district. To all other persons, whether from, within or without the limits of said district, a just and remunerative rate of tuition shall be charged, which rate shall, from time to time, be fixed by said board of education.

District schools to be free.

Academy to be free to residents.

Tuition to be charged non-residents.

§ 2. This act shall take effect immediately.

CHAP. 198.

AN ACT to legalize and confirm the election of officers for the village of Macedon, in the county of Wayne.

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The election of the president, trustees and other officers of the village of Macedon, in the county of Wayne, on the sixteenth day of March, one thousand eight hundred and eighty, is hereby made as legal and valid as it would have been if the said election had been continued till sunset as required by law; and the persons declared elected at said election are hereby confirmed in their respective offices as fully as though said election had been continued as required by law. But nothing herein contained shall affect any suit or proceeding now pending.

Election legalized.

Persons declared elected, confirmed in office.

§ 2. This act shall take effect immediately.

CHAP. 199.

AN ACT to provide for the registration of certain bonds in the city and county of New York.

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All bonds issued by the towns of Morrisania and West Farms, formerly a portion of Westchester county and heretofore annexed to the city and county of New York, for the payment of the principal and interest, of which the city and county of New York is liable, may be registered by the owners thereof in the comptroller's office in said city; and shall be transferable at the pleasure of the holder, either in person or by attorney, only upon the books of the corporation at said office; such registry and transfer to be indorsed thereon by the stock clerk. The interest on such bonds when so registered shall, as the same becomes due and payable, be paid in like manner as upon other registered stock and bonds of the city and county of New York; and whenever any such bonds have coupons attached, the comptroller of the city of New York shall, upon registration thereof, have authority to detach all coupons therefrom and shall thereupon indorse the fact of such registration with a reference to this act.

Certain town bonds may be registered.

Interest, how to be paid.

§ 2. This act shall take effect immediately.

CHAP. 200.

AN ACT to authorize the appropriation of the moneys raised by the town of Otsego, in the county of Otsego, under chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, to pay moneys borrowed by the supervisor of said town and used to secure to said town the use of the Otsego county court-house building for town hall purposes.

PASSED May 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the supervisor of the town of Otsego to apply the ten thousand dollars raised by said town under chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, to pay that amount of money borrowed by said supervisor for said town and used to secure to said town the use of the Otsego county court-house building for town hall purposes.

§ 2. This act shall take effect immediately.

CHAP. 201.

AN ACT to release the interest of the people of the State of New York in and to certain real estate in the city of Troy, in the county of Rensselaer, of which Arthur Mooney died seized, to Mary Jane Mooney, his widow.

PASSED May 7, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of state released to Mary Jane Mooney.

SECTION 1. All the estate, right, title and interest of the people of the State of New York, of, in and to all the lots of land and real estate situate in the city of Troy, in the county of Rensselaer, of which Arthur Mooney died seized, is hereby released to Mary Jane Mooney, widow of said Arthur, her heirs, executors and assigns, forever.

§ 2. Nothing in this act shall be held or construed as in any way affecting the right, title or interest of any heir, devisee, grantee or mortgagee.

§ 3. This act shall take effect immediately.

CHAP. 202.

AN ACT in relation to the deposit of stocks in the bank department.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every bank, banking association and individual banker, not having given notice of intention to close the business of banking, is hereby required to keep on deposit in the bank department, in addition to the deposit now required to secure the circulating notes of said bank, stocks of this State, or of the United States bearing interest, to the amount of one thousand dollars, and the same shall be held by the superintendent of the bank department as a pledge of good faith, and guaranty of compliance with the banking laws of this State, on the part of such bank, banking association or individual banker, and the proceeds of such stock or the interest thereof, or so much thereof as may be necessary, may be applied by the superintendent to the payment of any penalty incurred by, or the assessment imposed upon, the banking association or individual banker for whom such deposit is held. The superintendent of the banking department may, in his discretion, maintain an action in his name of office against any bank, banking association or individual banker for the recovery of any penalty incurred by, or lawful assessment imposed on any bank, banking association or individual banker.

Banks, etc., to keep on deposit in bank department additional sum of $1,000.00.

Superintendent may maintain action for penalty, etc.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 203.

AN ACT to amend chapter two hundred and ninety of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the Blossburg Coal Company, the successors and assigns of the Bloss Coal Mining and Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to hold real estate for the purposes of its business."

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and ninety of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the Blossburg Coal Company, the successors and assigns of the Bloss Coal Mining and Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to hold real estate for the purposes of its business," is hereby amended so as to read as follows:

Sec. 2, chap. 290, Laws of 1872, amended.

Corporation may sue and be sued.

§ 2. While the said Blossburg Coal Company shall have an office and place of business in this State it may sue and be sued the same as if it was a corporation of the State of New York, and for that purpose it shall be deemed a resident and corporation of this State.

§ 2. This act shall take effect immediately.

CHAP. 204.

AN ACT to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 6, chap. 75, Laws of 1878, amended.

SECTION 1. Section six of chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties," is hereby amended so as to read as follows:

§ 6. The city and county of New York, the city of Brooklyn, and the county of Niagara, except the town of Niagara, shall be exempt from the provisions of this act.

§ 2. This act shall take effect immediately.

CHAP. 205.

AN ACT to provide for the navigation of the waters of the Wallkill creek in the county of Ulster by steamboats.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Number of corporators. Object.

SECTION 1. Any three or more persons who may desire to form a company for the purpose of building for their own use, purchasing, chartering, navigating and owning vessels to be propelled by steam to be used in all lawful commerce and navigation upon the waters of the Wallkill creek, in the towns of New Paltz, Esopus and Rosendale, in the county of Ulster, and State of New York, and for the transportation of passengers, freights and pleasure excursions, may organize and become and be a body politic and corporate, in fact and in name, by complying with and becoming subject to all the provisions of an act entitled "An act to authorize the formation of corporations for ferry purposes," passed April ninth, eighteen hundred and fifty-three.

Must comply with provisions of act passed April 9, 1853.

Corporate rights.

§ 2. Such corporation shall have the right to deepen the water to four feet, if necessary, at any time so as to make and maintain a suitable channel for the passage of boats, and shall have the right to use the water named for the purpose specified in section one of this act, and to charge a fair compensation for the same.

Act, how to be construed.

§ 3. Nothing in this act shall be construed so as to authorize the navigation of said stream by any such corporation, until they shall have

secured the signatures of a majority of the owners of lands lying on the shores of the said stream to a written consent of the same, a copy of which consent shall be certified to and placed on file in the office of the clerk of the county of Ulster.

Not to dam stream nor divert water, etc.

§ 4. Such corporation shall not have the right to dam the water of the said stream, or divert the waters from their natural bed or flow, or to injure the banks of the stream, or to land any boat or craft on the lands lying on the shores of the said stream, without the consent of the owner thereof, or to injure, disturb or interfere with any of the bridges over the stream, as they now exist.

Corporation to bear all costs and expense.

§ 5. Such corporation shall bear all the costs and expenses without any charge upon the State, or upon the owners of lands whatsoever, and shall cause one trip, at least, to be made daily, each way, during the months of June, July, August and September of each year, due allowance being made for any causes that may be unavoidable.

§ 6. This act shall take effect immediately.

CHAP. 206.

AN ACT to authorize the city of Utica to borrow money to pay certain debts therein.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Common council may borrow money to pay floating indebtedness of city and issue bonds therefor.

SECTION 1. The common council of the city of Utica are hereby authorized to borrow not to exceed the sum of six thousand dollars for the purpose of paying the floating indebtedness of said city existing on the ninth day of March, eighteen hundred and eighty, including a judgment in favor of James E. De Forest for two thousand and seven dollars and fifty-seven cents docketed in the clerk's office of Oneida county February second, eighteen hundred and seventy-eight, and to issue its corporate bonds therefor, which amount shall be applied to the payment of such indebtedness, and to no other purpose.

Bonds, when payable.

§ 2. The amount of said bonds so issued shall be made payable in equal sums thereof, on the first day of November, eighteen hundred and eighty and eighteen hundred and eighty-one, respectively, and the said council shall include in the annual tax levy of each of said years, an amount sufficient to pay the said bonds and the interest thereon maturing in each of said years, and the moneys so levied and raised shall be applied to the payment of said bonds and the interest upon the same, and to no other purpose.

Not to be sold for less than par.

§ 3. The said bonds shall not be sold for less than par, and the premiums, if any, which may be received therefor, shall be applied to the payment of the interest first accruing upon the same, and such premium deducted from the amount herein authorized to be raised for such purpose.

Auditors.

§ 4. Publius V. Rogers, Robert S. Williams and Ephraim Chamberlain are hereby appointed auditors to examine the claims and demands referred to in the first section of this act (exclusive of the debt represented by the bonds thereof). The said auditors shall certify the result of their examination and audits in detail to the common council which shall cause the same to be placed upon their records,

To certify audits in detail.

and the said council shall have power to borrow, on the corporate bonds of said city, an amount to liquidate such claims and demands so audited not exceeding the said sum of six thousand dollars payable in the manner contained in the second section of this act.

§ 5. This act shall take effect immediately.

CHAP. 207.

AN ACT to legalize the action of the annual town meeting of the town of Johnstown, in the county of Fulton, held on the tenth and eleventh of February, eighteen hundred and eighty, in raising money for roads and bridges and authorizing the collection thereof.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action of town meeting to raise money legalized.

SECTION 1. The action of the annual town meeting held in the town of Johnstown, in the county of Fulton, on the tenth and eleventh days of February, eighteen hundred and eighty, at which a resolution was passed to raise on the taxable property of said town the sum of one thousand dollars for roads and bridges in said town; also a resolution to raise upon the taxable property of the said town the sum of one thousand dollars, to be paid to the trustees of the village of Johnstown, for filling the approaches to the Market street bridge in said village; also a resolution to raise on the taxable property of said town the sum of one thousand dollars, for the purpose of constructing a bridge over the Cayadutta creek at the west end of Fulton street, in the village of Gloversville, is hereby legalized and confirmed.

Board of supervisors to add amount to tax levy.

§ 2. The board of supervisors of the county of Fulton shall, at their next annual session, add the aggregate amount authorized to be raised by the preceding section to the sum required to be assessed upon the taxable property of the said town of Johnstown. The same shall be assessed, levied and collected in the same manner and in the same proportion as other expenses of said town.

§ 3. This act shall take effect immediately.

CHAP. 208.

AN ACT to authorize the trustees of the Manlius Academy to transfer and convey their academic property to the board of education of union free school number six, in the town of Manlius, of the county of Onondaga.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees of academy may convey prop-

SECTION 1. The trustees of Manlius Academy, in the town of Manlius, county of Onondaga, are hereby authorized and empowered to convey to the board of education of union free school number six in

said town, the property of said academy, for the benefit of the academical department of said union free school, and when the property shall have been conveyed to it, the said board of education may sell the real estate and other property so conveyed, or use it as they may deem best for the academical department of said union free school, and for no other purpose whatever. erty to board of education. Board may sell same.

§ 2. Any lien or incumbrance upon said property, by way of judgment, mortgage or otherwise, shall not be disturbed by reason of the transfer, as mentioned in the first section of this act. Vested rights not to be disturbed.

§ 3. This act shall take effect immediately.

CHAP. 209.

AN ACT to prevent malicious annoyance.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who shall knowingly send or deliver, or shall make, and for the purpose of being delivered or sent, shall part with the possession of, any letter, postal card or writing, with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark or other designation, with intent thereby to cause annoyance to any person, or with a view or intent to extort or gain any money or property of any description belonging to another, shall, upon conviction, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail or penitentiary not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. Writing, sending, etc., letter or postal card to cause annoyance a misdemeanor. Penalty.

§ 2. This act shall take effect immediately.

CHAP. 210.

AN ACT to provide for the dissolution of union free school districts in certain cases.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In any union free school district established under the laws of this State, it shall be the duty of the board of education, upon the application of fifteen resident tax payers of such district, to call a special meeting in the manner prescribed by law, for the purpose of determining whether application shall be made in the manner hereinafter provided, for the dissolution of such union free school district, and for its reorganization as a common school district or districts. On application of fifteen tax-payers, special meeting to be called.

§ 2. Whenever, at any such meeting called and held as aforesaid, it shall be determined by a majority vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, not to dissolve such union free school district, no other meeting for a If a majority vote not to dissolve, no other meeting

to be held in three years.

similar purpose shall be held in said district within three years from the time the first meeting was held, and whenever, at any such meeting called and held as aforesaid, it shall be determined by a two-thirds vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, to dissolve such union free school district, it shall be the duty of the board of education to present to the clerk of the board of supervisors a certified copy of the call, notice and proceedings, and the said clerk shall lay the same before the board of supervisors at their next meeting. If the board of supervisors shall approve of the proceedings of said meeting, the clerk shall certify the same to the board of education. Such approval shall not take effect until the thirtieth day of September next succeeding; but after that date such district shall cease to be a union free school district.

If two-thirds vote to dissolve, board of education must present to board of supervisors certified copy call, notice, etc.

Action of supervisors in case of consolidation of two or more districts.

§ 3. If any union free school district dissolved under the foregoing provisions shall have been established by the consolidation of two or more districts, it shall be lawful for the board of supervisors to direct that its territory be divided in two or more districts to correspond, so far as practicable, with the districts theretofore consolidated.

If an academy has been adopted, it shall be transferred to former trustees.

§ 4. If there shall be, in such dissolved union free school district, an academy which shall have been adopted as the academic department of the union free school, under the provisions of title nine, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, it shall, upon the application of a majority of the surviving resident former trustees or stockholders, be transferred by the board of education to said former trustees or stockholders.

Conditional approval by supervisors.

§ 5. The board of supervisors may make its approval of the proceedings of any such meeting held as aforesaid conditional upon the payment, by the district which has been most greatly benefited by the consolidation in the way of buildings and other improvements to the other district or districts into which the said union free school district is divided, of such sum or sums of money as they may deem equitable.

Moneys on hand to be apportioned.

§ 6. All moneys remaining in the hands of the treasurer of the union free school district when the order of dissolution shall take effect shall be apportioned equitably among the several districts into which such union free school district is divided, and shall be paid over to the collectors of such districts when they shall have been elected and have qualified according to law.

Annual meetings.

§ 7. The district or districts formed by the dissolution of such union free school district shall hold its or their annual meeting or meetings on the second Tuesday of October next, after the dissolution of such union free school district, and shall elect officers as now required by law.

If proceedings are not approved no other meeting to be held in three years.

§ 8. If the board of supervisors shall not approve the proceedings of any such meeting, held as aforesaid, for the purpose of dissolving a union free school district, no other meeting shall be held in such district, for a similar purpose, within three years from the time the first meeting was held.

Notice of dissolution to be given to superintendent of public instruction.

§ 9. Whenever the proceedings of a meeting, held as aforesaid, for the purpose of dissolving a union free school district, shall have been approved by the board of supervisors and shall have been certified by the clerk of said board to the board of education, it shall be the duty of the board of education of the district affected forthwith to notify the superintendent of public instruction, and to furnish him copies of the call, notice, proceedings of the meeting, and proceedings of the board of supervisors taken thereon.

CHAP. 211.

AN ACT to transfer the town of Berlin, in the county of Rensselaer, from the first to the second school commissioner district of said county, and the town of Brunswick, in said county, from the second to the first school commissioner district of said county.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Berlin, in the county of Rensselaer, is hereby transferred from the first to and made a part of the second school commissioner district of said county, and hereafter shall be under the control and supervision of the school commissioner of said second district. Town of Berlin, part of 2d district.

§ 2. The town of Brunswick, in said county, is hereby transferred from the second to and made a part of the first school commissioner district of said county, and hereafter shall be under the control and supervision of the school commissioner of said first district. Town of Brunswick, part of 1st district.

§ 3. This act shall take effect immediately.

CHAP. 212.

AN ACT to provide for the election of a town treasurer in the town of Gravesend, in the county of Kings, and to regulate and prescribe the duties of said officer.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the next annual town meeting held in the town of Gravesend, in the county of Kings, there shall be elected a town treasurer, whose term of office shall be for three years, commencing on the third Tuesday in April, eighteen hundred and eighty. He shall hold over after expiration of his term until another is chosen in like manner in his place and qualifies as hereinafter provided; and said treasurer, before entering upon the duties of his office, shall file, in the office of the clerk of the county of Kings, the official oath as prescribed by the twelfth article of the constitution, and a bond to the people of the town of Gravesend, in the penal sum of twenty thousand dollars, with one or more sureties to be approved by the county judge, conditioned for the faithful performance of the duties of said office. Town treasurer to be elected. Term of office. Official oath and bond.

§ 2. It shall be the duty of said treasurer to receive all moneys arising or coming from the common lands of said town, either by way of rents or otherwise, and disburse and pay over the same for the benefit of the town as provided by this act. Duty of treasurer.

§ 3. The moneys in the hands of the town treasurer, arising as aforesaid from the said common lands, shall be expended for the benefit of the town in the order and manner as follows: Moneys from common lands, how to be expended.

For support of common schools.

First. The town treasurer is hereby directed and empowered, should there be funds sufficient in his hands to pay over on requisition to the trustees of each school district the amount necessary for the support of the common schools, not to exceed, however, the sum of one thousand dollars for each district, nor more than five hundred dollars for each separate branch school in any district; but in each such requisition the trustees shall clearly state the balance of money in hand, the amount to be received from the State appropriation for the year, designated in items.

For roads and bridges.

Second. He shall pay to the commissioners of highways the sum certified by them to be necessary to keep the roads and bridges in the said town in repair for the coming year, not, however, to exceed two thousand dollars in any one year.

For salaries of commissioners of common lands.

Third. He shall pay the salaries of the commissioners of common lands on the certificate of the supervisor of said town that the same is just and correct, and an affidavit of the commissioners that the services have been rendered and no part thereof satisfied.

For police purposes.

Fourth. He shall pay to the treasurer of the police commissioners of said town the amount of money sufficient to pay the policemen employed by them, upon a statement certified by a majority of them that the same is necessary, not, however, to exceed the sum of two thousand dollars in any one year.

For payment of claims against town.

Fifth. If in funds after paying over the amounts above mentioned in their order, he shall pay to the supervisor of said town, on his requisition, sufficient to pay the whole or any part of the claims against the town as audited and allowed by the town auditors.

Treasurer to make annual report.

§ 4. The town treasurer shall make a full report to the town auditors annually at their meeting held to receive reports of town officers, of funds received and expended by them, and the several purposes for which the same was expended, which report shall be presented in annual town meeting for inspection by the inhabitants of said town.

Vacancy.

§ 5. If a vacancy occurs in the office of treasurer hereby created, the county judge shall appoint a suitable person, resident of said town, who shall qualify according to the provisions of this act until the next annual town meeting, when there shall be a town treasurer elected to fill said vacancy.

Compensation.

§ 6. The compensation of said treasurer shall be one and one-half per centum on all moneys received, and one and one-half per centum on all moneys disbursed, not to exceed, however, the sum of five hundred dollars in any one year.

Books, papers and money to be delivered to.

§ 7. The person now acting as treasurer of said town, by authority of said town, shall, upon the treasurer elected under this act duly qualifying as herein required, deliver to him all books and papers, and pay over all moneys in his hands belonging to said town, upon a proper receipt therefor being given by said treasurer.

§ 8. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 9. This act shall take effect immediately.

CHAP. 213.

AN ACT to ratify and confirm the agreement in relation to the boundary lines between the State of New York and the State of Connecticut, entered into by commissioners on the part of said States.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The agreement for the settlement of the boundary lines between the State of New York and the State of Connecticut, entered into by the commissioners appointed for that purpose on the part of said States, respectively, a duplicate original of which is on file in the office of the secretary of State, and a copy of which has been reported to the legislature, is hereby ratified and adopted. The said agreement is as follows, namely: "Memorandum of agreement by and between the subscribers, commissioners of the States of New York and Connecticut, respectively, to settle the question of the boundaries between said States, being thereunto authorized by the resolutions of said States respectively passed by them, is hereunto annexed. That is to to say, we, Allen C. Beach, secretary of State; Augustus Schoonmaker, Jr., attorney-general, and Horatio Seymour, Jr., State engineer and surveyor, commissioners of the State of New York, and we, Origen S. Seymour, La Fayette S. Foster, and William T. Minor, commissioners of the State of Connecticut, have agreed, and do hereby agree, to fix, determine and establish the boundaries between our respective States, subject to the approval and ratification of the legislatures of our respective States in the following manner: We agree that the boundary on the land constituting the western boundary of Connecticut and the eastern boundary of the State of New York shall be and is as the same was defined by monuments erected by commissioners appointed by the legislature of the State of New York and completed in the year eighteen hundred and sixty. The said boundary line extending from Byram Point, formerly called Lyon's Point, on the south, to the line of the State of Massachusetts on the north. And we further agree that the boundary on the sound shall be and is as follows: Beginning at a point in the center of the channel about six hundred feet south of the extreme rocks of Byram Point, marked No. 0, on appended United States Coast Survey Chart; thence running in a true south-east course three and one-fourth statute miles; thence in a straight line (the arc of a great circle) north-easterly to a point four statute miles true south of New London light-house; thence north-easterly to a point marked number one on the annexed United States Coast Survey Chart of Fisher's Island Sound, which point is on the longitude east three-quarters north sailing-course drawn on said map, and is about one thousand feet northerly from the Hammock or North Dumpling light-house; thence following said east three-fourths north sailing-course as laid down on said map easterly to a point marked number two on said map: thence south-easterly toward point marked number three on said map, so far as said States are co-terminuous; provided, however, that nothing in the foregoing agreement contained shall be construed to affect existing titles to property corporeal or incorporeal, held under grants heretofore made by either of said States, nor to af-

Agreement ratified and confirmed.

Agreement.

fect existing rights which said States, or either of them, or which the citizens of either of said States may have, by grant, letters-patent or prescription of fishing in the waters of said sound, whether for shell or floating fish, irrespective of the boundary line hereby established, it not being the purpose of this agreement to define, limit or interfere with any such right, rights or privileges, whatever the same may be.

In witness whereof we have hereunto set our hands to this instrument and to a duplicate thereof, December eighth, eighteen hundred and seventy-nine.

ALLEN C. BEACH,
Secretary of State,
AUGUSTUS SCHOONMAKER, JR.,
Attorney-General,
HORATIO SEYMOUR, JR.,
State Engineer and Surveyor,
Commissioners of the State of New York.

ORIGEN S. SEYMOUR,
LAFAYETTE S. FOSTER,
WILLIAM T. MINOR,
Commissioners of the State of Connecticut."

Governor to transmit copy of act to the Governor of Connecticut.

§ 2. The governor is authorized and requested to transmit a copy of this act to the governor of the State of Connecticut, and, upon receiving due notice of the adoption of said agreement by the State of Connecticut, the governor of this State shall cause such notice to be filed in the office of the secretary of State, and, upon the same being so filed, the said agreement shall become binding and operative, and in full force, and the boundary between this State and the State of Connecticut shall be fixed and established as specified and provided in said agreement.

Notice of adoption to be filed in secretary of State's office.

Governor to communicate to congress action of States.

§ 3. Upon the said agreement taking effect as herein provided, the governor is authorized, in concurrence with the executive of Connecticut, to communicate to congress the action of the two States on this subject, and to request the approval of congress of the boundaries thus established.

CHAP. 214.

AN ACT to regulate voting in the Western New York Agricultural Society.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Only life members, who have become such 30 days prior to meeting, entitled to vote.

SECTION 1. From and after the passage of this act, only life members of the Western New York Agricultural Society, who shall have become such at least thirty days prior to the meeting, and no other persons, shall be entitled to vote at any annual or special meeting of said society, and such life members shall be entitled to vote in all meetings of said society in person and not by proxy.

§ 2. All acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 215.

AN ACT to amend chapter three hundred and seventy-six of the laws of eighteen hundred and seventy-six, as amended by chapter four hundred and fifty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to prevent the deposit of mud, earth, soil, ashes, or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter three hundred and seventy-six of the laws of eighteen hundred and seventy-six, as amended by chapter four hundred and fifty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to prevent the deposit of mud, earth, soil, ashes, or refuse in the North or Hudson river, and to prevent the filling up the navigable waters of said river, and to preserve the navigation thereof," is hereby amended so as to read as follows: Sec. 4, chap. 376, Laws of 1876, further amended.

§ 4. This act shall not apply to the depositing of substances upon the building of wharves or piers upon, or the filling in of land under water, granted by the people of the State of New York, to any person or persons, provided a permanent and substantial bulk-head be first properly and securely built, inclosing the whole area of any such pier or wharf proposed to be so built or constructed; or the waters now dyked off by the river commissioners for improving the channel of the river. Act not to apply to filling in of land under water granted by State, etc.

Nor shall the act apply to the sweeping, washing, or cleaning from the decks of the canal boats, freight, passenger, or pleasure boats, or vessels, of such dirt only as collects naturally thereon from the use thereof by human beings using the same for transportation or pleasure, nor the hauling of fire from the furnace grate of any steamboat having state-rooms above the main deck, provided no coal or ashes shall be dumped from the ash-box of said steamboat; except as authorized in the first section of this act, nor to the setting of shad-poles in the shad season, nor to the use of any other devices or contrivances for the purpose of fishing in any season of the year, but no such setting of shad-poles or devices for fishing shall be allowed below the northerly line established by the harbor commissioners of the city of New York; nor shall this act apply to throwing overboard the refuse and waste matter which ordinarily accumulates in and about canal boats engaged in the transportation of goods and merchandise. But this act shall not be construed to authorize the throwing in said water of food, or any contrivance or device in which food may be kept, carried or preserved. Nor to sweeping, washing, etc., of boats, etc. Nor to hauling of fire from furnace grate. Nor to setting of shad-poles, etc. Nor to waste matter on canal boats.

§ 2. This act shall take effect immediately.

CHAP. 216.

AN ACT to enable the Alanson Methodist Episcopal Church of the city of New York to transfer and convey certain real property.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Alanson M. Church authorized to convey real estate. To whom. Description.

SECTION 1. The Alanson Methodist Episcopal Church of the city of New York, an incorporated religious society, is hereby authorized and empowered to transfer and convey by deed of conveyance to the New York City Church Extension and Missionary Society of the Methodist Episcopal Church, its successors and assigns forever, the following described real property of the said first named corporation, situate in the city of New York, namely: All that certain tract of land fronting on the easterly side of Norfolk street, distant fifty-two feet southwardly from Broome street, measuring seventy-three feet in front and rear by one hundred feet in depth on each side, more or less, with the church edifice erected thereon; being the same property conveyed to said first named corporation by Alanson T. Briggs and wife by deed bearing date the third day of February in the year one thousand eight hundred and sixty-two, and recorded in the office of the register of the city and county of New York, in liber eight hundred and forty-eight of conveyances, page five hundred and fifty-four; also, all that certain lot of land fronting on the northerly side of Henry street, distant one hundred and sixty-nine feet five and one-half inches, eastwardly from Rutgers street, measuring twenty-one feet eight and one-half inches in front and rear by seventy-five feet in depth, on each side more or less, with the parsonage erected thereon; being the same property which was conveyed to said first named corporation by Robert Whitehead and wife, by deed dated the twentieth day of April, in the year one thousand eight hundred and seventy-five, and recorded in the office of said register in liber thirteen hundred and sixteen of conveyances, page four hundred and eighty.

Not to affect legal proceedings.

§ 2. Nothing in this act contained shall in any manner affect any action or legal proceeding now pending in any court.

§ 3. This act shall take effect immediately.

CHAP. 217.

AN ACT to amend chapter one hundred and twenty-one of the laws of eighteen hundred and thirty-five, entitled "An act to incorporate the Troy Young Men's Association."

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, chap. 122, Laws of 1835, amended.

SECTION 1. Section one of chapter one hundred and twenty-one of the laws of eighteen hundred and thirty-five, entitled "An act to incorporate the Troy Young Men's Association," is hereby amended so as to read as follows:

§ 1. The members of the Young Men's Association for mutual improvement, in the city of Troy, and all persons who shall hereafter become members, and the persons hereinafter named and their successors are hereby created a body corporate by the name of "The Troy Young Men's Association" for the purpose of establishing and maintaining a library and reading room, debating society, art gallery, literary and scientific lectures, and other means of promoting moral and intellectual improvement, with power to the said corporation to take by purchase, devise, bequest, gift and otherwise, and to hold, transfer and convey real and personal property to the amount of five hundred thousand dollars, and, also, to take, hold and convey all such books, cabinets, library, pictures, works of art, furniture and apparatus as may be necessary for attaining the objects and for carrying into effect the purposes of the corporation; but no transfer, conveyance or sale of any such property shall be made without the written assent of the board of trustees hereby created.

Corporators.

Corporate name and object.

Power to take and hold real estate.

§ 2. Section two of said chapter is hereby amended so as to read as follows:

§ 2. The control, disposal and management, except as hereinafter limited, of the said real and personal property of said corporation, including all books, works of art and other property now held or owned or hereafter acquired by said corporation, or which may be in the hands or under the control of any of the officers of said association, shall, by virtue of this act and for the benefit of said association, vest in a board of twenty-three trustees who shall be residents of the city of Troy, composed of the following named persons, namely: E. Thompson Gale, William Howard Hart, William E. Gilbert, Joseph M. Warren, Thomas Coleman, Joseph W. Fuller, William H. Young, William Gurley, Benjamin H. Hall, William S. Earl, Nelson Davenport, Charles L. Alden, Dudley Tibbits, William A. Thompson, Fred. P. Allen, Justin Kellogg, J. Spencer Garnsey, Charles R. De Freest, John T. Birge, La Mott W. Rhodes, William H. Doughty, Francis N. Man, Jr., Joseph Knight and the mayor, and superintendent of public schools ex-officio. Such trustees may select a president, treasurer, secretary and such other officers, and adopt such rules for the government of said board, as said trustees may deem advisable; and shall make and publish annually in the month of January, in at least one newspaper published in the city of Troy, a full report of the condition and affairs of the association. All devises, bequests and gifts, and all accumulations thereof and interest derived therefrom, shall be held by said board of trustees and be subject to its sole control, care, custody and management for the benefit of the said association; and said board of trustees may, from the income of trust funds, when not inconsistent with the conditions of the trust, from time to time pay over to the treasurer or executive committee of said association such sums as said board of trustees may deem advisable for the interests of said association, and for carrying out the purposes of said corporation. All vacancies occurring in said board by reason of death, removal from the city or otherwise may be filled by the remaining members of said board.

Control and management to vest in board of trustees.

Names of trustees.

Officers and rules.

Annual report.

Devises, bequests, etc., to be held by trustees.

Vacancies.

§ 3. Section three of said chapter is hereby amended so as to read as follows:

§ 3. In addition to said board of trustees there may be an executive committee to consist of a president, first, second and third vice-presidents, corresponding secretary, recording secretary, treasurer, and ten managers of the association, who shall be elected annually to their respective offices by such of the members of said association as are now

Executive committee.

or may be entitled by the constitution of said association to vote at such election. And in addition thereto the several officers of the debating society now organized by the said association shall, so long as the said executive committee see fit to continue the said debating society as a department thereof, and no longer, be members of said executive committee, and shall be elected as above provided.

§ 4. Section four of said chapter is hereby amended so as to read as follows:

Present officers to hold until next annual election.

§ 4. The said several officers of said association, at the time of the passage of this act, shall continue to hold their respective offices until the next annual election; and all personal property, funds or securities held by any officer of said association, or by any other person in trust for said association, or for the use or benefit of the same, including choses in action which by the terms thereof are payable to any of the said officers, or to any person or persons in trust for the said association, shall, by virtue of this act, vest in and become the property of, and may be sued for and recover, in the name of said corporation hereby created, subject to the control and management of said board of trustees as herein provided. And the said corporation shall assume and be liable for all legal contracts, agreements and responsibilities which have been created, entered into or incurred previous to the passage of this act, by the officers of said association lawfully acting in behalf of said association.

Property to vest in and become the property of the corporators.

Liability on contracts made by officers.

§ 5. Section five of said chapter is hereby amended so as to read as follows:

Annual election.

§ 5. The annual election of the officers composing the executive committee of said association shall be held on the second Tuesday of December in each year, notice of which shall be published in two newspapers in the city of Troy, at least fourteen days previous to such election, or on such other day as the said association in and by its constitution may appoint; and if in any year no such election shall be held, then the duties and powers of such executive committee shall devolve upon and be performed by said board of trustees, until an annual election shall be duly held as herein provided.

§ 6. Section six of said chapter is hereby amended so as to read as follows:

Powers of executive committee.

§ 6. The said executive committee shall have power to adopt a constitution, and to amend the same as therein may be provided, and to make such regulations as to membership as it may, from time to time, deem expedient, and for the interests of the association not inconsistent with the constitution, and to employ and to remove at pleasure, such agents and servants as the business and interests of said corporation may, in the opinion of said committee, require, and may collect and receive all dues for membership and from all other sources, except gifts, devises and bequests, and the trust funds of said association and the interest and accumulation thereof, and may disburse such membership, dues and moneys from other sources, except as aforesaid, for the current expenses of said association, and for such other purposes as, in the opinion of said committee, may be for the interests of the said association.

§ 7. Said chapter is also further amended by adding thereto the following sections:

Free library, etc.

§ 11. Said board of trustees may at any time, when in the judgment of said board the condition of said corporation and of the trust funds in the hands of said board of trustees will warrant, organize and add to the existing departments of said association a free library and free

reading room, under such rules and regulations as said board of trustees may from time to time adopt, and subject to the sole control and management of said board of trustees.

When trust funds and property yield income exceeding $3,000, and satisfactory proof thereof be presented to justice Supreme Court, and his allowance indorsed thereon, control of funds, etc., to vest in trustees.

§ 12. Whenever the trust funds and property of said corporation, the interest and income from which can be properly appropriated to the payment of the current expenses of said association, without violating any of the conditions of the trust, shall be sufficient to yield and shall yield and produce in interest and income an amount exceeding the sum of three thousand dollars per annum, and satisfactory proof thereof be presented to a justice of the supreme court in the third judicial district, and his allowance of such proof be indorsed thereon, then the sole and exclusive control, management and government of the real and personal property, funds, securities and all other property of every kind and nature, not inconsistent with the terms and conditions of the trust, and the affairs of said corporation shall vest in said trustees and their successors, for the benefit of said association, and the powers and duties of said executive committee, and the officers thereof, shall cease and terminate, and the officers created by the third section of the said chapter as herein amended, and the elections provided for in the fifth section of the said chapter as herein amended, shall be abolished.

§ 8. This act shall take effect immediately.

CHAP. 218.

AN ACT to amend chapter thirty-four of the laws of eighteen hundred and seventy-six, entitled "An act to provide for the payment of a portion or the whole of the bounty debt of the county of Greene, by issuing new bonds."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, ch. 34, Laws of 1876, amended.

SECTION 1. Section two of chapter thirty-four of the laws of eighteen hundred and seventy-six, entitled "An act to provide for the payment of a portion or the whole of the bounty debt of the county of Greene, by issuing new bonds," is hereby amended so as to read as follows:

Board of supervisors may provide for payment of county debt by loans.

§ 2. It shall be lawful for the board of supervisors of the county of Greene, at any time not exceeding six months prior to, or six months after the time any installment or portion of said county debt is payable, which shall fall due after the first day of March, one thousand eight hundred and seventy-six, to provide for the payment thereof by loans upon new bonds, as herein provided, instead of raising the money required therefor by tax. The said board of supervisors shall issue coupon bonds, by the chairman of said board and the treasurer of said county, in the form and in manner of the bonds so falling due, and of the denomination of five hundred dollars each, drawing interest semi-annually at the rate of not exceeding six per cent per annum, dated the day the installment they are to pay falls due, and payable at such time as said board shall direct, not exceeding fifteen years from their date, but to authorize the issuing of any new bonds provided for in this section, it shall be done by resolution of the said board of super-

Coupon bonds to be issued.

When to be payable.

visors when lawfully convened and be adopted by a vote of two-thirds of all its members, which resolution shall be voted for by yeas and nays and be entered in the records of the board with the vote thereon.

§ 2. This act shall take effect immediately.

CHAP. 219.

AN ACT further defining and limiting the powers and duties of the commissioners of the road formerly known as the Buffalo plank-road, in the county of Erie, and contracting said road.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Part of turnpike in city excepted from chap. 525 of Laws of 1865.

SECTION 1. All that part of the Buffalo and North Lancaster turnpike lying within the corporate limits of the city of Buffalo is hereby excepted from the provisions of chapter five hundred and twenty-five of the laws of eighteen hundred and sixty-five, entitled "An act to improve the west part of the road formerly known as the Buffalo plank-road, in the county of Erie," and from and after the first day of July, eighteen hundred and eighty, no toll gate on said turnpike shall be maintained west of the road known as Pine Hill road.

No toll gate west of Pine Hill road.

Office of city commissioner abolished and supervisors to appoint commissioner from Cheektowaga.

§ 2. The office of commissioner for said road, selected from and representing the city of Buffalo, is hereby abolished, and it shall be the duty of the board of supervisors at its next regular meeting to appoint in his stead another commissioner, who shall be selected from the town of Cheektowaga; and thereafter the board of commissioners of said road shall be composed of two members appointed from the town of Cheektowaga, and one member from the town of Lancaster.

Who to be eligible to office.

§ 3. No person shall be eligible to the office of commissioner unless he be the owner in fee of lands fronting on said road and a resident of the town which he represents in the board of commissioners; nor shall any commissioner simultaneously hold the office of highway commissioner under the general laws of this State.

Vacancy, how to be filled.

§ 4. In case of a vacancy in the office of commissioner from any cause, or in case any commissioner become ineligible from the cause specified in the last section of this act, it shall be the duty of the supervisor of the town from which said commissioner was selected to appoint without unnecessary delay some eligible freeholder from said town to fill said vacancy until the next regular meeting of the board of supervisors of the county of Erie, or until said board of supervisors shall have acted upon such vacancy.

Annual report.

§ 5. The annual report of said commissioners to the board of supervisors required by law shall, in every instance, be verified by the oath of the superintendent of said road.

§ 6. This act shall take effect immediately.

CHAP. 220.

AN ACT to amend chapter four hundred and seven of the laws of eighteen hundred and seventy-six, entitled "An act extending the powers of the trustees of the village of Canandaigua."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter four hundred and seven of the laws of eighteen hundred and seventy-six, entitled "An act extending the powers of the trustees of the village of Canandaigua," is hereby amended so as to read as follows:

Sec. 2, ch. 407, Laws of 1876, amended.

§ 2. The trustees of the village of Canandaigua, or a majority of them, shall have power to lay out, open or grade any public road, avenue or street, or to widen, alter the line of, or close any public road, avenue or street in said village, upon the written application of not less than fifty freeholders, residents of said village, or on the written application of a majority of the owners of land which must be taken for such new street, or which fronts upon such old street proposed to be widened, altered or closed. If, in pursuance of such application, the trustees of said village shall determine to make the improvement thereby requested, and the owners of all lands, or hereditaments, required for such purpose, shall not voluntarily cede the same to the corporation for such purpose or use, and if the said trustees shall fail to obtain such land or hereditaments by agreement with the parties interested, the county court of Ontario county shall, upon the application of the board of trustees, at chambers, or at any regular or special term thereof, appoint three disinterested persons, not residents of said village of Canandaigua, as commissioners to appraise the damages of the owner or owners of land or hereditaments to be taken for any such purpose. Previous notice of such application shall be given to said owners, their tenants or agents, at least eight days before such application. In case a vacancy occurs among such commissioners, by reason of death or resignation or other cause, the same court shall, in the same manner, and upon application, appoint an additional commissioner or commissioners to fill such vacancy. The commissioners so appointed shall view and examine the road, avenue or street which is to be laid out, opened or graded, or that which is to be widened, altered or closed, and the lands and hereditaments to be taken for that purpose; they shall hear the trustees, owners of the land through which the road, avenue or street passes, and all persons appearing before them and who shall be interested in the proposed improvements. They shall make a just appraisement of the damages which each owner of land or hereditaments to be taken will sustain thereby; they shall report, in writing, their appraisement of the damages, and shall therein sufficiently describe each piece or parcel of land to be taken, and shall distinctly state the damages awarded to each owner of lands or hereditaments taken, as far as such owner can be ascertained, which report shall be signed by the commissioners, or two of them, and be filed with the clerk of said village, and be open to the inspection of all interested therein. Immediately upon filing the same, the commissioners shall cause notice thereof to be given by publishing such notice in two of the newspapers published in said village of Canandaigua for

Trustees may lay out streets, etc., upon written application of fifty freeholders.

Jurisdiction conferred on county court to appoint commissioners to appraise damages.

Notice to owners.

Commissioners to view and examine road, etc.

To make appraisement and report the same in writing.

Report to be filed with clerk.

Notice to be published.

two weeks consecutively, which notice shall state that such report may be examined on application to the clerk of said village; and that the commissioners will attend at a time and place to be specified therein, not less than fourteen days from the publication thereof, to hear any persons objecting to such appraisements. The commissioners shall meet at the time and place so specified, to hear and receive any objections, oral or written, which may be offered to such appraisement. If any objections shall be made to the same, they shall review such appraisements, and may make such alterations therein as they may deem just. The commissioners shall thereupon cause notices to be published in the manner above specified, that such appraisement has been finally settled by them, and may be examined upon application to the clerk of said village. Within twenty days after the publication of the last-mentioned notices, any person considering himself aggrieved by such report may appeal therefrom to the county court of Ontario county, giving written notice of his appeal to the clerk of said village. Upon such appeal, the county court shall examine such report, and may vacate, affirm, alter or correct the same, as shall be just. If no objections to such appraisement shall have been made to the report of the commissioners, or in case there be no appeal within the time allowed, or when upon appeal the report shall be affirmed, altered or corrected by the county court, the trustees of said village shall forthwith proceed to appraise and assess the benefit which any person or persons, party or parties, or corporations owning property in said village, or which the taxable inhabitants and property of said village may derive from the laying out, opening, making and grading said public road, avenue or street, or from the widening, altering or closing any such road, avenue or street. They shall make a report in writing, specifying the names of the persons, parties or corporations assessed for benefits, and the amount so assessed upon each person, party or corporation so named. They shall also make an estimate of the probable expense of opening and properly grading said road, avenue or street, and shall state the amount thereof in such report, and the proportion of this amount which should be collected by a general assessment as benefits upon the taxable inhabitants and taxable property of said village, if any, and how much should be assessed as benefits upon the persons, parties or corporations benefited by such improvements, which report shall be signed by the said trustees, or a majority of them, and be filed with the clerk of said village, and be open to the inspection of all interested therein. Immediately upon so filing the same, the said trustees shall cause notice thereof to be given by publishing such notice in two of the public newspapers published in said village of Canandaigua, for two weeks consecutively, which notice shall state that such report may be examined on application to the clerk of said village, and that the said trustees will attend at a time and place to be specified therein, not less than fourteen days from the publication thereof, to hear any persons objecting to such appraisement and assessment of benefits. The trustees shall meet at the time and place so specified, to hear and receive any objections, oral or written, which may be offered to such appraisement and assessment. If any objection shall be made to the same, they shall review such appraisement and assessment and make such alteration therein as they may deem just. The said trustees shall thereupon cause notices to be published in the manner above specified, that such appraisement and assessment has been finally settled by them, and may be examined upon application to the clerk of said village. The general assessment, if any be made upon the taxa-

Meeting of commissioners to hear objections. Review.

Notice that appraisement has been finally settled to be pulished.

Appeal to county court.

In case no appeal is taken and no objections made, trustees forthwith to levy tax.

Report of names of persons assessed, etc.

Estimate of expense and amount to be assessed for benefit.

To be filed.

Notice of filing to be published.

Trustees to meet and hear objections.

Notice that assessment and appraisal have been finally settled.

ble inhabitants and taxable property of the said village, authorized by this section, shall be in addition to and collected with the amount annually raised by taxation in said village as now authorized by law. The trustees of said village shall forthwith proceed to levy the several assessments for benefits or for benefits over damages, not included in such general assessment, upon the persons and taxable property benefited as set forth in said report, for which purpose they shall issue to the village collector a warrant for the collection thereof. The collector shall proceed to collect such assessments and taxes in the same manner as village taxes are collected. The trustees of said village shall pay to each owner of the land taken for such improvement the amount of damages awarded to such owner, and the land shall then vest in the trustees of the village of Canandaigua. When an award of damages for land required to be taken for any such improvement shall be made to an unknown owner, the said village trustees shall not pay over the same until the claimant shall have exhibited satisfactory evidence to them that he is entitled to the same as such owner, or upon the order of the county court of Ontario county, upon the application of the claimant to the said court, after twenty days' previous notice to the trustees, and the publication of a similar notice for four weeks successively, once in each week, in two of the newspapers published in the village of Canandaigua; such respective notices setting forth the amount of the award, and describing the premises for which the same was awarded, the court being satisfied of the validity of the claim of such owner; and for the purpose of hearing and determining the same, the said court may at any time hold a special term at any place in said county. Before entering upon their duties as such commissioners, as provided in this section, the said commissioners shall be sworn or affirmed before some officer authorized to administer oaths, faithfully and impartially to execute their duties as such commissioners according to the best of their ability. They shall each be entitled to a reasonable compensation for their services, not exceeding three dollars for each day they shall be respectively, actually and necessarily employed in the performance of their duty. Such compensation and the fees of attorney and counsel, and the charges of surveyor, and other expenses necessarily incurred, to be estimated as a part of the expenses of such improvement.

General assessment to be collected with annual tax

Assessment for benefits to be levied by trustees on persons benefited

How to be collected.

Damages to be paid to owner.

Awards to unknown owners, when and how to be paid.

Official oaths.

Compensation.

§ 2. This act shall take effect immediately.

CHAP. 221.

AN ACT to legalize the official acts of certain justices of the peace, and authorizing justices of the peace to execute and file official bonds.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of every justice of the peace heretofore done and performed, duly elected or appointed to the office, so far as such official acts may be affected, impaired or questioned by reason of the failure of any such justice to give an official bond as required by law, are hereby legalized, ratified and confirmed.

Official acts legalized.

§ 2. Nothing herein contained shall affect any suit or proceeding now pending.

§ 3. This act shall take effect immediately.

CHAP. 222.

AN ACT to enable marine insurance companies incorporated under the laws of this State to amend their charter.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May amend charter by filing in insurance department copy of its charter as amended with consent of stockholders or trustees.

Certificate of approval.

Certified copy of amended charter to be delivered by superintendent to company.

SECTION 1. Any marine insurance company incorporated under the laws of this State may amend its charter so as to enable it to transact all such business as can be transacted by marine insurance companies in conformity with the laws of this State, by filing in the office of the superintendent of the insurance department a copy of its charter as amended with the written consent of three-fourths, in amount, of its stockholders, if a joint-stock company, or if a mutual company, with the written consent of two-thirds of its trustees or directors, and if the said superintendent shall find that such company is in the active prosecution of its business, then on filing the certificate of approval of said superintendent and the written consent of the attorney-general in the office of said superintendent, it shall be lawful for such company to transact business under its charter as so amended. Said superintendent shall thereupon deliver to such company a certified copy of said amended charter and of said last-mentioned certificate and consent, which, on being filed in the office of the clerk of the county where said company is located, shall be its authority to transact business and issue policies; and such certified copy of said amended charter and of said certificate and consent may be used in evidence for or against the said company with the same effect as the originals.

§ 2. This act shall take effect immediately.

CHAP. 223.

AN ACT for the better protection of the traveling public.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Governor may appoint conductors, etc., policemen.

SECTION 1. The governor is hereby authorized in his discretion to appoint all or any conductors and brakemen of any trains of any steam railroad in this State, conveying passengers, for the purposes of this act, policemen having all the powers for the purposes of this act with which policemen of villages and cities are clothed, and each and every such conductor and brakeman shall take and file the usual oath of office, in the office of the clerk of the county in which he resides, or in the office of the clerk of the county in this State in which either terminus of such road may be.

§ 2. All such conductors and brakemen acting as policemen under this act, upon any such railroad, shall have full power, and it shall be their duty to arrest and hold in custody, and deliver to any magistrate, having jurisdiction in such cases, at either terminus of such road in this State, or at any intermediate station, any or all persons whom they may find engaged in, or endeavoring to entice others to engage in any game of cards or any other game of chance whatever, in which money or any representative of money, or any other valuable thing is to be lost or won, and to enter complaint to such magistrate for any violation of the law governing in such cases. Authority of such policemen.

§ 3. Any conductor or brakeman, refusing or neglecting to perform the duty imposed upon him by this act, shall be liable to a fine not exceeding two hundred and fifty dollars, to be sued for by and in the name of any superintendent of the poor of any county where such refusal or neglect may have occurred in any court of competent jurisdiction at any place on the line of said railroad, or to imprisonment not less than six months, or to both, in the discretion of the court. Penalty for neglect of duty.

§ 4. Any fine so imposed, when collected, shall be placed in the treasury of the county where recovered, for the use of the poor of said county. Fines to be for use of the poor.

§ 5. It shall be the duty of every superintendent or manager of every steam railroad in this State, immediately after the passage of this act, to post a copy of this law in some conspicuous place in each and every car used for the conveyance of passengers, under a penalty of not to exceed five dollars for each and every such car in which such notice shall not be posted. Superintendent to post copy of law in cars.

§ 6. This act shall take effect immediately.

CHAP. 224.

AN ACT to amend chapter three hundred and sixty-five of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Lockport," and the acts amendatory thereof.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title six of chapter three hundred and sixty-five of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Lockport," and the acts amendatory thereof, is hereby amended so as to read as follows: Sec. 1, title 6, ch. 365, Laws of 1865, amended.

§ 1. The expense of any local improvement ordered by the common council shall be equally assessed upon the real estate in said city which they may deem benefited by said improvement, according to the benefits that may result therefrom, to be estimated, apportioned, assessed and determined by one of the assessors of said city not personally interested in the improvement ordered, or in case all assessors of said city shall be personally interested in said improvement, then by such other person not interested therein as said common council may appoint as a special assessor for that purpose; and in so doing the assessor shall assess the real estate to and against the owners or occupants thereof. Upon the completion of such assessment the assessor making How expenses of local improvement to be assessed.

Upon completion of assessment to be published.

the same shall cause to be published daily, for three consecutive days, in the official paper of said city, a notice, subscribed by him as such assessor, stating, in substance, that such assessment, naming it, has been completed, and that the roll thereof will remain in the hands of the city clerk, at his office, for inspection by all persons interested, for five days next following the day of first publication of such notice.

Notices to be served on persons assessed.

Upon the day of the first publication of such notice, the city clerk shall deposit in the post-office in said city, with the postage paid thereon, a printed copy of such notice directed to each of the persons whose names shall be entered upon said roll, at Lockport; and in case of any registered owner or agent of any unoccupied lot, as provided for by section two of this title, a copy of such notice shall be served upon such registered owner or agent, in the manner hereinbefore provided.

When assessment to be reported to common council.

At the expiration of the five days hereinbefore provided for such inspection, the assessment shall be reported by the assessor to the common council; and before any further action is had on the said improvement, except as provided by section ten of title six of this act, the same shall be approved by the common council, or, if disapproved, a reassessment ordered and reported to the common council, with the same effect as the first.

Same notice to be given in case of reassessment.

In all cases where a reassessment shall be ordered, the same notice shall be given of the completion of such reassessment as in case of an original assessment.

Duty of clerk of common council to make entry and publish notices.

When any such assessment shall be reported by an assessor to the common council, the clerk shall enter the fact in the minutes of their proceedings, specifying the assessment, and stating in substance that at a certain meeting of the common council, the date of which shall be specified, the common council will consider and act upon such assessment, and that any and all persons interested will then be heard by the common council as to their approval or disapproval of the same; and the publication of such entry in the city paper, in and as part of the proceedings of the common council, shall be full, sufficient, and legal notice of the facts therein stated, to all parties assessed or interested.

How to be published.

Such publication shall be at least three days prior to the confirmation of the assessment, and at least one week shall intervene between the time of the reporting of any assessment to the common council and any action thereon by them.

Allegations in favor of or against assessment may be filed and parties heard.

Any person interested may file with the city clerk, before the common council shall act upon such assessment, written allegations in favor of the approval or disapproval thereof; and any such person so desiring shall be heard by the common council as to the approval or disapproval thereof, when the common council shall consider and act upon the same.

Not to postpone hearing.

The common council shall not postpone the consideration thereof, but at the time notified for that purpose they shall hear all parties interested, and either approve or disapprove the same.

When assessment is confirmed same shall be a lien on land.

When an assessment shall be confirmed by the common council the same shall thereupon be and become an assessment upon and against the land described, and against such owners and occupants.

Two-third vote to pass ordinance for local improvements except crosswalks.

In all cases of local improvements except the construction of crosswalks, the affirmative vote of two-thirds of the aldermen in office shall be necessary to pass any ordinance ordering the said improvement; which action shall be based upon a petition therefor to the common council, signed by persons owning at least one-third of the property to be assessed for the improvement; provided, however, that the decision of the common council as to whether such petition is signed by such persons owning at least one-third of the property to be assessed for such improvement shall be final and conclusive, and shall not be subject to question or appeal. In case of

the construction of crosswalks, a vote in favor thereof of a majority of aldermen in office shall be required. For services in making local assessment the said assessors shall receive such reasonable compensation as shall be allowed in such cases by the common council, which shall be included in the expense of making the assessment. There shall annually be set apart, from the money raised by general tax for highway purposes, to the support and maintenance of any street or portion thereof, which has heretofore been or which may hereafter be permanently improved from local assessment, by paving, macadamizing or graveling so much thereof as shall have been levied upon or paid by the property assessed for the improvement as near as may be, but no part of the highway fund, except the portion thus set apart, shall be used for the cleaning of Main street, and whenever the sum so to be set apart for any street or portion thereof shall, in the judgment of the common council, be insufficient for the proper support and maintenance of any street or part thereof so improved, said common council may, at the time the annual city taxes are levied and assessed, cause to be levied and assessed in the same roll, upon the real estate originally assessed for such improvement, such further additional sum as may be necessary for such proper support and maintenance, which further and additional sum shall be so levied and assessed upon such real estate in proportion and according to its assessed valuation upon such roll, and the same shall be used for no other purpose than that for which it was levied and assessed; but whenever in any year the sum so set apart for the repair or maintenance of any paved street thus permanently improved shall be found to be in excess of the amount required in that year, the common council may, in its discretion, direct such excess to be paid into the general highway fund. The mayor of said city may, in his discretion, appoint some suitable person other than the superintendent of streets to superintend the expenditure, upon any such street or portion thereof, of the money so set apart from said highway moneys, and so levied and assessed in addition thereto; provided, however, that such person will and shall so superintend such expenditure without any charge therefor to said city or to said moneys. The expense of postage and publication of notices shall be included in the expenses of the assessment.

Majority vote only necessary in case of crosswalks.

Highway fund.

Additional sum may be raised.

Mayor may appoint superintendent.

Proviso

§ 3. Section ten of title six is hereby amended so as to read as follows:

§ 10. Whenever the common council shall determine that the expense of any improvement not requiring the taking of any lands by said city shall be defrayed by an assessment upon the real estate which they deem benefited thereby, they shall declare the same in the ordinance directing such improvement, specifying the portion of the city which they deem will be benefited thereby, and the same shall thereupon be deemed and treated as a local improvement. But such ordinance shall not take effect, and no assessment nor other proceedings shall be had under it, until opportunity has been given, as hereinafter provided, for all parties interested to be heard before the common council upon the question of the adoption of said ordinance. After such ordinance has been submitted to the common council, the common council shall direct its publication in the official paper once, in and as part of the proceedings of the common council, together with a notice to all persons, owners, occupants, and others interested in the real estate described in said ordinance, that the question of the adoption or rejection of such ordinance will be considered by the com-

Expenses of improvements not requiring the taking of land.

Ordinance not to take effect until parties have a hearing.

Publication of.

mon council at a meeting, the date of which shall be specified, and that all persons interested will at that time be heard as to the adoption or rejection of such ordinance. Such meeting shall be not less than three days after the publication of such proposed ordinance and notice, which publication shall be full, sufficient and legal notice to all owners, occupants and persons interested, of the facts therein stated. At the time stated in said notice the common council shall consider such ordinance, shall hear all persons interested, and shall then, without postponement thereof, adopt or reject the same. After any local improvement shall have been ordered, the common council shall ascertain, as they think proper, the estimated expense thereof, and may, at the time of adopting such ordinance, or at any time thereafter, give notice, or order and direct the same to be given, that proposals for the doing and completion of said work will be received. After the time in said notice specified for the reception of proposals shall have expired, the common council shall determine the amount of such estimated expense, and enter the same in their minutes, and thereupon the assessors specified in the ordinance directing the improvement shall proceed to assess such amount upon the real estate specified in such ordinance, and upon the owners or occupants thereof, in the manner provided in section one of title six of this act. When the estimated expense of any local improvement shall exceed in the aggregate the sum of one thousand dollars, the common council may, at the time of the adoption of the ordinance therefor, or at any time thereafter, up to and at the time of the confirmation of the assessment therefor, determine by resolution that such may be paid by the persons or corporations to whom the same shall be assessed, respectively, in not more than four equal payments, as follows: One-fourth thereof within two months after the confirmation of the assessment, without interest; one-fourth thereof, with one year's interest at the rate of six per centum per annum, upon the whole amount unpaid, within one year from the confirmation of such assessment; one-fourth thereof, with one year's interest at the same rate upon the whole amount unpaid within two years from the confirmation of such assessment; and one-fourth thereof with one year's interest at the same rate, within three years from the confirmation of such assessment, and in that case such assessment shall become due and be paid at the times and in the manner so specified and not otherwise; and upon the confirmtion of said assessment by said common council, the sums therein assessed upon the several parcels of land therein specified, together with the interest thereon from time to time accruing, shall become and be a lien and charge upon said parcels of land respectively; provided, however, that in case any persons or corporations so assessed shall fail or neglect to pay any such installment at the time the same shall become due as above provided, then the whole amount of the assessment against such tax payer for such improvement then remaining unpaid shall become immediately due, and the same proceedings shall be had for the collection of such assessments as is provided in this act for the collection of other local assessments; but the treasurer may, in his discretion, issue his warrant for the collection of the whole of such assessment unpaid, or for such portion thereof as but for such default would have been due and payable; and in case any assessment shall be made payable as last above provided, and for the purpose of providing the means to do and complete the improvement for which the assessment shall have been ordered, the common council shall have the power and authority, and it shall be their duty

Hearing for and against.

Proposals for doing work.

Common council to determine amount of expense.

When estimated expense exceed $1,000.00, may be paid in not more than four equal payments.

Time of payment; rate of interest, etc.

To be a lien and charge on lands.

Proviso.

Tax warrant.

to issue the certificates of indebtedness of the city of Lockport, which shall be signed by the mayor and countersigned by the clerk of said city, in such sums as may be deemed best, for such an amount as may be necessary, not exceeding in the aggregate three-quarters of the aggregate of said assessments, and which shall specify on account of what improvement the same shall be issued and shall bear interest at the rate of six per centum per annum payable annually; one-third in amount of which certificates shall be made payable in one year, one-third in two years, and one-third in three years, having reference, as near as may be, to the time when the installments of said assessment shall become due and payable, or the same may be so made payable, that one-third thereof in amount will become due and payable, at the times respectively, when said installments of said assessment will become due. The common council may either deliver said certificates to the contractor doing the work upon such improvement, or they may sell and dispose of the same to any other person or persons or corporation; but in either case they shall not so use or dispose of the same below the par value thereof. Nor shall they use such certificates, or the proceeds thereof, or any portion of such certificates or proceeds, for any purpose other than to defray the expenses of the improvement for which they were issued; and no such certificate shall be made or issued until after the confirmation by the common council of the assessment made for the improvement, on account of which the certificates shall be issued. Such certificates shall be a valid lien and charge upon that portion of the assessment for the improvement, on account of which the same were issued, for which time of payment shall have been extended, and upon the moneys paid thereon, and upon the real estate specified in the ordinance directing the improvement on account of which the same were issued, and the credit of the city shall be pledged for the redemption and payment thereof. The common council shall collect the assessment remaining unpaid, for any improvement on account of which any such certificates may have been issued, as the same shall become due, and shall appropriate and use the moneys so collected to the payment and redemption of such certificates and for no other purpose. The clerk shall enter in a book, to be provided and kept for that purpose, a full and minute description of all certificates issued under this section, and the date of issue; and when the same are paid, a minute of such payment and of the date thereof shall also be made in said book, and said certificates shall immediately thereupon be effectually canceled or destroyed.

Certificate of indebtedness.

Interest, rate of.

Time of payment.

Certificates, how to be disposed of.

To be a lien on lands assessed.

Assessments to be collected and certificates paid.

Entry to be made by clerk.

§ 4. Section one of title nine is hereby amended so as to read as follows:

§ 1. All ordinances, by-laws and resolutions of the said common council shall be published in and as a part of the proceedings of the common council, once only in the official paper of said city, and shall not take effect until the expiration of said publication, unless in the judgment of the common council the public interests require that any ordinance shall take effect at an earlier day, in which case the time when the same shall take effect shall be named in said ordinance. Printed books of the ordinances purporting to have been printed by authority of the common council shall be received in all courts and places as presumptive evidence of such ordinances, and that the same have been regularly enacted and published, as required by this act, prior to the printing of them in such book.

Publication of ordinances, etc.

§ 5. This act shall take effect immediately.

CHAP. 225.

AN ACT to authorize the exchange of preferred stock for common stock of corporations.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Exchange of preferred stock for common may be authorized by vote of two-thirds of directors.

SECTION 1. Every corporation organized under the laws of this State which has heretofore issued, or may hereafter issue, both preferred and common stock, forming part of the capital stock of such corporation, is hereby authorized, whenever the directors of such corporation shall by vote of two-thirds of their number declare it for the interest of the corporation so to do, and the holder of any such preferred stock may request in writing the exchange of the same for the common stock, to exchange the preferred stock of such holder for common stock, and to issue certificates of common stock therefor share for share, or upon such other valuation as may have been agreed upon in the scheme for organization of such company or the issue of such preferred stock; provided, however, that the total amount of the capital stock of such company shall not be increased thereby.

§ 2. This act shall take effect immediately.

CHAP. 226.

AN ACT to amend chapter three hundred and thirty-one of the laws of one thousand eight hundred and forty-six, entitled "An act to incorporate the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States of America."

PASSED May 8, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, of chap. 331, Laws of 1846, amended.

SECTION 1. The first section of the said act entitled "An act to incorporate the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States of America," passed May thirteen, in the year one thousand eight hundred and forty-six, is hereby amended so as to read as follows:

Corporators.

§ 1. All such persons as now are or may hereafter become members of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, originally instituted in the year eighteen hundred and twenty and fully organized by the general convention of the said church in the year eighteen hundred and thirty-five, shall be and are hereby constituted a body corporate for the purpose of conducting general missionary operations in all lands by the name aforesaid. Nothing herein shall affect the power of the said convention to make such rules and regulations or so to alter or amend the constitution of the said society, as the said convention shall deem necessary or proper to promote the purpose for which the said society is incorporated as aforesaid.

Object.

Not to affect power to make rules, etc.

§ 2. This act shall take effect immediately.

CHAP. 227.

AN ACT to amend chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America," and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last-mentioned corporation."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last-mentioned corporation," is hereby amended so as to read as follows: Sec. 4, chap. 287, Laws of 1872, amended.

§ 4. The said corporation shall be in law capable of taking, receiving, holding and conveying, or otherwise disposing of any real or personal estate which has been, or may hereafter be given, devised or bequeathed to it, or to the said church, for the purposes aforesaid, or which may accrue from the use of the same; subject, however, to the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty, entitled "An act relating to wills;" but said corporation shall not hold real or personal estate, the annual rental or income of which shall exceed the sum of two hundred thousand dollars. Corporation may take, hold and convey real estate. Amount limited.

CHAP. 228.

AN ACT to amend chapter three hundred and sixty-five of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the New York Cotton Exchange."

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chap. 365, Laws of 1871, amended.

SECTION 1. Chapter three hundred and sixty-five of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the New York Cotton Exchange," is hereby amended by adding thereto the following:

Assessment in case of death of a member. Amount.

§ 9. It shall be lawful for the said New York Cotton Exchange, upon the death of any member, to levy and assess upon every membership in the said exchange, except the membership or memberships of such deceased member, a fixed and uniform sum not exceeding twelve dollars and fifty cents, which shall be collected in the same manner, and under the same penalties for non-payment, as the by-laws of said exchange shall, at the time, provide in the case of annual dues.

Amount to be paid within one year.

§ 10. The said New York Cotton Exchange shall, within one year after its receipt of satisfactory proof of the death of any member, pay the amount so assessed and collected, less the actual expense incurred in the collection thereof, to the widow, children or next of kin of such

To whom paid.

deceased member in the following order: If such deceased member shall have left a widow and no children, then the whole of said sum shall be paid to his widow. If he shall have left a widow and a child or children, then one-half of said sum shall be paid to his widow, and one-half to such child or children, share and share alike. If he shall have left a child or children and no widow, then the whole of said sum shall be paid to said child or children, share and share alike. If he shall have left neither widow nor children, then the whole of said sum shall be paid to the next of kin of such deceased member in the order and proportion that is provided by law for the distribution of personal property in cases of intestacy. The word children, as used in this section, shall be construed to include the issue of deceased children, and the issue of any deceased child shall receive the share that the parent would be entitled to receive if living. If any person entitled, under this section, to any share in said sum shall be an infant, such share shall be paid to the general or testamentary guardian of such infant.

Word "children," defined.

Act not to be construed to vest any estate which can be mortgaged, etc.

§ 11. Nothing herein contained shall be so construed as to vest in any member of said exchange any estate in possession or expectancy which can be disposed of by will or pledged or mortgaged for the payment of any debt; and the amount collected and paid over, as hereinbefore provided, shall be so paid to the person or persons entitled thereto absolutely, and shall not be liable for any debts, charges or demands against such deceased member or his estate.

Not to create any liability, except that of paying over.

§ 12. Nothing herein contained shall be so construed as to create any liability on the part of the New York Cotton Exchange, except that of paying over to the person or persons entitled thereto the amount which shall, in each case, be actually collected, less the expenses of collection, and the said New York Cotton Exchange shall not be chargeable with or liable for interest upon any amount so collected;

and the decision or decree of the surrogate or judge of probate, or other officer having jurisdiction of the estates of intestates in the county in which said deceased member shall have been domiciled at the time of or immediately prior to his decease, shall be sufficient and conclusive evidence of the right of any claimant or claimants, and payment to any person or persons who, by such evidence, shall appear to be entitled thereto shall forever release and absolve the said New York Cotton Exchange from all further claim or liability whatsoever, and shall be a sufficient bar and defense to any action or proceeding at law or in equity which may thereafter be commenced against said exchange by any person or persons claiming to be entitled to receive the sum so paid, or any part thereof.

Decree of probate court to be conclusive evidence of right of claimants.

§ 13. The provisions hereinbefore contained shall not extend to any person who shall have ceased to be a member of said exchange, either by expulsion or by a voluntary or forced sale of his membership, but shall extend to members under suspension, and the membership or memberships owned by the estate of any deceased member shall be subject to the same assessments as if said member were living.

Not to extend to persons who have ceased to be members.

§ 2. The New York Cotton Exchange is hereby authorized and empowered to adopt suitable rules and by-laws to carry into effect the foregoing provisions, and, from time to time, to amend the same as may be necessary; and the adoption of such rules and by-laws shall be deemed to be an acceptance by said New York Cotton Exchange of this amendment to the act incorporating said exchange.

By-laws, etc.

§ 3. This act shall take effect immediately.

CHAP. 229.

AN ACT to amend section three of chapter three hundred and twelve of the laws of eighteen hundred and thirty-eight, entitled "An act to appoint trustees of the Jones fund for the support of the poor of the towns of Oyster Bay and North Hempstead in the county of Queens."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter three hundred and twelve of the laws of eighteen hundred and thirty-eight, entitled "An act to appoint trustees of the Jones fund for the support of the poor of the towns of Oyster Bay and North Hempstead, in the county of Queens," is hereby amended so as to read as follows:

Sec 3, chap. 312, Laws of 1838, amended.

§ 3. The trustees of the said fund and their successors in office shall be capable in law of suing and being sued, pleaded and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, by the name of "the trustees of the Jones fund for the support of the poor," and they and their successors in office by the name aforesaid shall be capable in law of taking, holding and managing said fund or any part of the same, as was by the last wills and testaments of Samuel Jones and Walter R. Jones, deceased, devised and bequeathed to the towns of Oyster Bay and North Hempstead, for the purposes aforesaid, by the said testators, and shall also be capable of purchasing, holding, and conveying, either by deed

Trustees may sue and be sued.

Name.

May hold mortgage and con-

vey real estate.

or mortgage, any real or personal estate for the use and benefit of said fund, and carrying the intent of the said testators in creating the same into full effect.

§ 2. This act shall take effect immediately.

CHAP. 230.

AN ACT to amend chapter three hundred and forty of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the repaving of streets in the city of Syracuse, and to amend the charter of said city."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, chap. 340, Laws of 1878, amended.

SECTION 1. Section one of chapter three hundred and forty of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the repaving of streets in the city of Syracuse, and to amend the charter of said city," is hereby amended so as to read as follows:

Common council may order repaving of street and charge one-half the expense upon property fronting or adjoining street.

§ 1. Whenever the common council of the city of Syracuse shall deem it necessary to repave or macadamize any street or part of a street in said city which has already been paved with wood or stone, and shall by resolution declare that one-half the expense of repaving or macadamizing such street or part of a street should be paid by a local assessment, said common council shall have power and is hereby authorized to repave or macadamize such street or part of a street, and to assess and collect one-half the expense of such improvement by a local assessment upon the property fronting or immediately adjoining the street or part of a street so repaved or macadamized, the same to be imposed in a just and equitable manner in proportion to the benefit which each owner may be deemed to derive therefrom, without reference to erections or improvements on lots; providing a majority of the owners of property fronting on the line of such street or part of a street shall, in writing, ask or consent that the same be repaved or macadamized. The balance of the expense of such improvement shall be paid by general taxation in the same manner as other general taxes are now collected in said city. The term pavement in this section shall be deemed to include curbstones and gutters.

Balance of expense to be included in general city tax.

§ 2. This act shall take effect immediately.

CHAP. 231.

AN ACT to amend title four, chapter six, part second of the Revised Statutes, relating to the powers and duties of executors and administrators in relation to the sale and disposition of the real estate of their testator or intestate.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty of title four, chapter six, part second of the Revised Statutes, is hereby amended so that the same shall read as follows:

Sec. 30 of title 4, ch. 6, part 2 of the Revised statutes amended.

§ 30. If it shall appear to the surrogate that such sale was legally made and fairly conducted, and that the sum bid was not disproportionate to the value of the property sold, or if disproportionate, that a greater sum, as above specified, cannot be obtained, he shall make an order confirming such sale, and directing conveyances to be executed. If it shall also appear to the surrogate that the amount thereof will be sufficient to satisfy in full the costs and expenses of said sale, and all debts of the deceased proven before the surrogate and entered in his book as valid and subsisting, together with all rights of dower thereon, if any, and that a creditor or creditors of said deceased, or either of them, whose claim has been proven and allowed by the surrogate, has become the purchaser of said real estate, or any part thereof, the surrogate, in the order of confirmation of such sale, shall, at the election of the purchaser, state the amount of such claim or claims of such creditor or creditors so allowed by him; and such purchaser shall be required to pay the surplus, if any, of the amount bid, after deducting the amount of such claim or claims only. In case the amount of such sales shall be insufficient to satisfy the costs and expenses of such sale, and the whole amount of the claims against the estate as proven and allowed on or before final distribution, then and in such case such purchasing creditor shall be allowed and credited on the amount bid by him, an amount equal to the amount he would be entitled to receive on distribution, and the balance of such bid shall be paid by such purchaser on such final distribution. In case any purchasing creditor shall elect to have the amount, to which he shall be entitled to receive from the estate, credited on his bid as aforesaid, he shall not be entitled to have a deed delivered to him until such final distribution.

When surrogate to make order confirming sale.

When order shall state amount of creditors' claim, and creditor to pay surplus.

When creditor only to be allowed amount equal to amount entitled to receive on final distribution.

Deed, when to be delivered.

§ 2. This act shall take effect immediately.

CHAP. 232.

AN ACT to amend chapter fifty-three of the laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 55, chap. 53, Laws of 1879, amended.

SECTION 1. Section fifty-five of chapter fifty-three of the laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn," is hereby amended so as to read as follows:

City court.

§ 55. There shall be a court of civil jurisdiction to be denominated the "city court of the city of Auburn," which shall be held by the

Jurisdiction of.

city judge. Said court shall have jurisdiction in civil actions and proceedings cognizable by law in justices' courts of towns, whether commenced by warrant, attachment, summons or otherwise, or whether arising on contract or otherwise, in which the sum demanded, or the value of the property sought to be recovered, shall not exceed five hundred dollars, and in which all the defendants reside, or at the time of the commencement of such action or proceeding are within the county of Cayuga. Said actions or proceedings may be commenced by any resident of said county, or by a non-resident thereof, and the process, pleadings, practice, judgments and all proceedings thereon shall be the same as in justices' courts of towns, except as is otherwise provided by law. The hour named in any process for the return thereof, or for the appearance of the defendant, or to which any action or proceeding in said court shall be adjourned, shall be the time at which such action or proceeding shall be called.

Hour named in process, etc., to be the hour at which action shall be called.

§ 2. Section fifty-six of said act is hereby amended so as to read as follows:

Process, how returnable, etc.

§ 56. Process shall be made returnable before said court, by its proper title, and may be signed and issued either by the city judge or recorder; the city judge shall have the powers, and be subject to the liabilities (including removal from office) of justices of the peace in towns; in case of his absence or inability to act, the recorder or justice of the peace, upon the written request of said city judge, or of the mayor (if the city judge shall not so request) shall hold said court, and shall possess all the powers of city judge in said city; the person so holding said court may hear, try and determine any case or proceeding over which the said court shall have jurisdiction.

§ 3. Section fifty-seven of said act is hereby amended so as to read as follows:

Penalty of bond.

§ 57. In an action or proceeding brought in said city court, in which a bond or undertaking is required by law to be given by or on the part of either party, the same shall be in a sum or penalty of not less than fifty dollars, nor more than double the amount claimed by the plaintiff, in the discretion of the city judge. The pleadings in said court shall be in writing, and shall be subscribed by the

Pleadings.

parties or their attorneys. The complaint may be verified in the manner provided by the Code of Civil Procedure for the verification of pleadings in courts of record, and when so verified the subsequent pleadings (excepting a demurrer) shall be likewise verified.

Attorneys who sign pleadings must be such as are admitted to practice in the courts of this State; they shall in no case be required to prove their authority to appear for any party in said city court. In any action commenced in said city court by summons, the complaint may, at the option of the plaintiff or his attorney, be served therewith; but in all cases, whether commenced by summons or otherwise, the same shall be filed in said court on or before the time fixed for the return of the process. The summons or summons and complaint may be served by any person of full age not a party to the action; when served by a constable, proof thereof may be made by certificate; when served by another person, proof thereof shall be by affidavit.

Attorneys.

Service of complaint.

Service of summons.

§ 4. Section fifty-eight of said act is hereby amended so as to read as follows:

§ 58. In an action arising on contract for the recovery of money only, where the complaint shall be verified, and the defendant shall fail to appear, the court, upon motion of the plaintiff or his attorney, and upon filing the summons and complaint, with proof of the service thereof, or with proof of the service of the summons, as in the last preceding section provided, shall forthwith, without further proof, enter judgment for the amount demanded in the complaint with costs.

Proceedings in case complaint is verified and defendant fails to appear.

In any action in said court, in which the defendant does not appear, and in which the sum or the value of the property recovered shall exceed fifty dollars, the plaintiff shall recover the sum of five dollars for his costs besides disbursements. Where issue is joined and trial had, and a like recovery obtained by the plaintiff, he shall recover the sum of fifteen dollars for his costs besides disbursements. In any action where the amount claimed or the value of the property sought to be recovered by the plaintiff shall exceed fifty dollars, and in which judgment shall be rendered against the plaintiff after a trial had, or in any action in which judgment shall be rendered against the plaintiff upon a counter-claim or set-off exceeding fifty dollars, the defendant shall be entitled to the sum of twelve dollars for his costs besides disbursements. For the purposes of this section a trial shall be deemed to have been had in a case where such trial has been commenced and testimony has been taken. If the sum claimed or value of the property sought to be recovered by the plaintiff exceeds fifty dollars, and the defendant shall make an offer of judgment in the manner and at the time provided by law therefor in justices' courts, which offer shall be rejected, and if the plaintiff shall fail to obtain judgment for a greater amount exclusive of costs than has been specified in the offer, he shall not recover costs, but the defendant shall recover the sum of ten dollars costs, together with his disbursements accruing subsequent to the offer, which may be set off against any recovery had, and judgment entered only for the remainder. In a litigated action provided for in this section, in which the sum demanded or the value of the property sought to be recovered exceeds two hundred and fifty dollars, the city judge may, in his discretion, grant to the successful party an additional allowance of costs not exceeding ten dollars. All disbursements allowed by law to be taxed in any action or proceeding in said court, including fees, for the use of the city, and constables' fees, whether incurred on the part of the plaintiff or defendant, shall be included as disbursements in the judgment, but shall in no case exceed fifteen dollars.

Costs.

What shall be deemed a trial.

Offer of judgment.

Additional allowance of costs in certain cases.

§ 5. Section fifty-nine of said act is hereby amended so as to read as follows:

Fees to be collected for use of city.

§ 59. The city judge shall demand, and receive for the use of the city the following fees, namely:

Amount of.

For all proceedings to and including the entry of judgment and the issuing of an execution or transcript thereon, and for all proceedings for the removal of tenants, where the defendant shall not appear and answer, the sum of one dollar and fifty cents. For like proceedings where a trial shall be had or entered upon, either with or without a jury, three dollars; and where such trial shall occupy more than one day, the sum of one dollar for each additional day not exceeding three. For all proceedings abandoned, discontinued or settled on or before the return day of process, the sum of one dollar. Except as herein provided, fees for the use of the city shall be such as are allowed by law to justices of the peace.

Except in certain cases execution not to issue until fees are paid.

No execution (unless it be to collect the fees to which the city is entitled in cases of nonsuit), or transcript of judgment, or warrant for the removal of a tenant, shall be issued or delivered to any person by the city judge, until the fees to which the city is entitled shall have been paid to him.

Account of fees to be kept.

The city judge shall keep an account of all fees received by him in actions and proceedings in said court, and shall once in three months pay the same to the city treasurer for the use of the city.

Report of.

He shall report to the common council, at its first regular meeting after such payment, the title of each action or proceeding determined since his last preceding report, when determined, the amount of fees to which the city is entitled, and the amount collected and received by him therein, which report shall be verified to be correct, and to embrace all moneys paid to him and belonging to the city during the time covered by said report, and shall be accompanied by the city treasurer's receipt therefor.

Constable's fees.

Constables shall receive and be entitled to the same fees in actions or proceedings in said court as are now allowed by law, except as herein otherwise prescribed, namely:

For serving a summons, or summons and complaint within said city, fifty cents. For serving a civil warrant within said city, and notifying the plaintiff, seventy-five cents.

For serving a venire, one dollar and fifty cents.

For serving a subpœna they shall, in addition to the fees now allowed by law, be entitled to the same mileage as for the service of a summons.

§ 6. Section sixty of said act is hereby amended so as to read as follows:

Jury list.

§ 60. On the third Tuesday in May, eighteen hundred and eighty, and in every third year thereafter, the mayor of the city, together with the city judge and recorder, or any two of them, shall meet at the office of the county clerk of Cayuga county, and shall write the names of all persons on the jury list last made out, signed and filed by the officers of said city in said clerk's office, with their additions, on separate pieces of paper as nearly of a size as may be, and deposit the same in a box to be provided for that purpose, and shall draw therefrom two hundred of said pieces of paper; a list of the names of persons so drawn, with their additions, shall be made and certified by the officers drawing the same, and shall be filed in the office of the city clerk.

Publication of.

As soon as such list shall be filed as aforesaid the city judge and recorder shall cause the same to be published in the official paper or papers of said city for three successive days, together with a notice that on a day and hour to be named therein, which shall not be less than ten days from the time of the first publication of said notice, they will attend at the city court-

room to correct the same. On such day they will receive evidence of exemption in the same manner as authorized in courts of record, and no juror who does not then furnish proof of a legal exemption shall thereafter be allowed to claim an exemption when he shall be drawn and summoned for jury duty. This provision shall not apply to such persons as may become exempt after the final completion of such jury list. The names of the persons found exempt by law shall be struck from the list, and the ground thereof noted thereon. When the list shall have been corrected and completed, it, together with a certificate of that fact signed by the city judge and recorder, and annexed thereto, shall be again filed in the office of the city clerk. It shall be the duty of the city clerk to forthwith make and certify three copies of said corrected list, with the certificates annexed, and deposit them, one with the city judge, another with the recorder, and the other with the justice of the peace.

Evidence of exemption.

Completed list to be filed in office of city clerk.

§ 7. Section sixty-one of said act is hereby amended so as to read as follows:

§ 61. Whenever a jury shall be demanded in any case in which the party so demanding is entitled to the same, in either the recorder's court, or the city court of the city of Auburn, the presiding officer of said court shall place in a box to be provided for that purpose, slips containing the names of all persons upon the jury list on file in his office, not then drawn or impaneled as jurors in actions then pending, and shall draw therefrom the names of twelve persons, who shall be summoned by venire issued by the presiding officer of said court, from whom a jury shall be drawn in the same manner as juries are required to be drawn in justices' courts of towns. The presiding officer may order the constable, or other officer in attendance, to summon from the bystanders, or from the city at large, so many persons qualified to serve as jurors as shall be sufficient to form a jury, whenever a sufficient number of jurors duly drawn and summoned do not appear, or shall not be required to serve; the persons so drawn shall receive the same fees as jurors in justices' courts, to be paid by the party who shall call for a jury; whenever a jury is drawn or impaneled in an action or proceeding in either court, the names of such jurors, with the time of trial of such action or proceeding, shall be certified to the other court by the officer by whom they are drawn or impaneled. Each of said courts may excuse any person so summoned, from serving therein as a juror, when it shall appear that he is summoned as a juror in any other court.

Jury, how drawn.

Talesmen.

Fees of.

Excuses.

§ 8. Section sixty-two of said act is hereby amended so as to read as follows:

§ 62. The city judge may sign and issue criminal warrants, and either the city judge or the city attorney may hear complaints and issue warrants for violations of city ordinances in the same manner as the recorder, but the same shall be made returnable before the recorder's court; the recorder, city judge and justice of the peace shall have power to punish for contempt, the same as justices of the peace in towns, and either of them may command the services of any constable of said city to enforce authority and maintain peace while holding court; the justice of the peace shall have jurisdiction in civil actions and proceedings cognizable by law in justices' courts of towns, whether commenced by warrant, attachment, summons, or otherwise, or whether on contract or otherwise, in which the sum demanded or the value of the property sought to be recovered shall not exceed fifty dollars; and the process, pleadings, practice, costs, judgments, and

Criminal warrants to be returnable before recorder's court.

Contempts, punishment of.

Jurisdiction of the justice of the peace.

all proceedings thereon shall be the same as in justices' courts in towns. He shall, when thereunto required, perform the duties of either the city judge or recorder; and shall then have the powers and discharge the duties of those officers respectively, and shall be paid for his services (except as by this act otherwise provided), by the officer whose place shall have been so filled by him. When the city judge is unable to dispose of causes pending in said city court, he may direct the justice of the peace to hold a city court, and to try any of such pending cases therein as he may designate, which direction shall be in writing, and shall also certify and deliver the pleadings and proceedings therein to said justice, and thereupon the said justice shall proceed to try and determine, at his office, said designated actions, and while so engaged shall have the same power and jurisdiction therein as the city judge, and in such cases the same costs shall be recovered as are provided by law to be recovered in said city court, except that no fees for the use of the city shall be taxed. The justice of the peace when so acting shall be entitled to demand and receive for his own use the fees prescribed by law for justices of the peace, to be paid by the parties to the actions he shall so try.

When to perform the duties of city judge and recorder.

When to hold city court.

When to receive fees to his own use.

§ 9. Section sixty-three of said act is hereby amended so as to read as follows:

§ 63. Except as hereinafter otherwise proivded, the city court shall have the power to open defaults and set aside judgments rendered and entered therein, and executions issued thereon, upon such terms as may be just, in a case where the defendant shall fail to appear on the return day of process, or on any adjourned day, where it is shown that manifest injustice has been done, and the defendant satisfactorily excuses his default; but no greater terms shall be imposed than the payment of the costs included in the judgment and the sum of three dollars for opposing the motion. The application therefor shall be founded upon affidavits and shall be made within twenty days from the entry of such judgment. Upon presentation of such application the city judge shall issue an order returnable in not less than five nor more than eight days requiring the plaintiff to show cause, if any, why said judgment should not be set aside. A copy of said order, and of the papers upon which the same is granted, shall be served upon the plaintiff, or his attorney, if one shall have appeared in the action, not less than three days prior to the return day thereof. Pending such application and the determination thereof, the city judge may stay proceedings under any execution which shall have been issued. When a judgment shall be set aside the action shall proceed as though no judgment had been rendered. In such a case, where an execution has been issued by the city judge, and a levy made thereunder, the same may in the discretion of the city judge be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover. Where a transcript of a judgment of said city court shall have been filed in a case provided for in this section, the county court of Cayuga county shall have power and authority to open the default and set aside such judgment and all proceedings thereon, and to order a new trial in said city court upon such terms as may be just. The practice in said county court upon such application shall be the same as is herein provided for like proceedings in said city court, except that the defendant must show that prior to the filing of such transcript no application was made to the city court for like relief. The county court may stay proceedings under any execution issued upon said judgment pending such application. The judgment and any execution and levy there-

Power to open defaults, etc.

Application to be founded on affidavits.

Copy order, etc., to be served on plaintiff.

Execution may be allowed to stand.

When county court may open default.

Practice.

Stay of proceedings.

under may be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover in case a new trial shall be ordered in said city court. The county court shall at all times be open for the presentation, hearing and determination of any case arising under this section. The provisions of this section are in addition to the right of appeal as now provided by law.

County court to be at all times open to hear cases under this section.

§ 10. Section sixty-four of said act is hereby amended so as to read as follows:

§ 64. Judgment shall be rendered in said city court in the following cases forthwith:

In what cases judgment to be rendered forthwith.

1. Where the plaintiff is nonsuited.
2. If he discontinues or withdraws his action.
3. Where judgment is confessed.
4. Where a verdict is rendered by a jury in favor of either party.
5. Where the defendant is in custody at the time of the final submission of the cause.
6. Where a judgment is rendered upon an offer made by the defendant and duly accepted.
7. In all other cases the city judge shall render judgment within ten days after the cause is finally submitted; but the parties or their attorneys may, by written stipulation, extend such time.

In what cases within ten days.

§ 11. Section sixty-five of said act is hereby amended so as to read as follows:

§ 65. The common council shall provide in the city hall a suitable place for holding said recorder's court and said city court, and shall furnish heat and light for the same, and provide necessary blank books, blanks and stationery therefor. Said city court shall be opened for business each day (except Sundays and legal holidays) at nine o'clock in the forenoon, and both the city judge and recorder shall have their offices in the city hall and not elsewhere. The recorder and city judge shall each receive for all services rendered under this act an annual salary of one thousand dollars, payable quarterly.

Place for holding court.

When court to be open.

Salaries.

§ 12. Section sixty-six of said act is hereby amended so as to read as follows:

§ 66. In civil actions, appeals from any judgment rendered in the city court or recorder's court, or by the justice of the peace, may be taken to the county court of the county of Cayuga, within the time and in the same manner provided by law for appeals from judgments rendered by justices of the peace in towns, and all provisions of law relating to appeals from such judgments shall apply thereto.

Appeals to the county court of Cayuga county.

§ 13. Section eighty of this act is hereby amended so as to read as follows:

§ 80. All commitments to the county poor-house, or to the State lunatic asylum, and all proceedings in relation to father or mother deserting or absconding from their children, or husband from his wife, leaving any of them chargeable or likely to become chargeable upon the public for support, in the cases provided by law, shall be instituted, made and issued in the name of "The board of charities and police of the city of Auburn." All proceedings in bastardy cases shall be instituted by and in the name of said board of charities and police before either the city judge or recorder, who shall have and possess all the powers and jurisdiction of a justice of the peace in such cases. Upon the return of process the officer issuing the same shall immediately call to his aid the other of said officials, or in case of his absence or inability to act then the justice of the peace, whereupon they shall proceed to dispose of the case in the manner provided by law.

Commitments, etc., to be in the name of "The board of charities and police of the city of Auburn."

Bastardy cases.

§ 14. This act shall take effect immediately.

CHAP. 233.

AN ACT to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chap. 436, Laws of 1877, amended.

SECTION 1. Chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers," is hereby amended by adding an additional section, as follows:

Act, how construed.

§ 10. Nothing in this act shall be construed as preventing the treasurers of the several counties of this State, in which the treasurer is a salaried officer, from retaining for the benefit of their said counties, respectively, the same compensation for receiving and paying the money belonging to the State every year, as that now allowed by law, where such treasurer is not a salaried officer, and the comptroller is hereby authorized to allow to the said treasurers, for the benefit of their respective counties, on State taxes hereafter received and paid over by them, where not already allowed, the compensation now allowed by law, where such treasurer is not a salaried officer.

§ 2. Section ten of said act is hereby amended so as to read as follows:

§ 11. Nothing herein contained shall apply to the counties of Monroe and Seneca.

CHAP. 234.

AN ACT to amend chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter eight hundred and seven of the laws of eighteen hundred and seventy-three, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein.'"

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, chap. 458, Laws of 1875, amended.

SECTION 1. Section one of chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter eight hundred and seven of the laws of eighteen hundred and seventy-three, entitled 'An act concerning notaries public in the counties of Kings, Queens, Richmond, Westchester and Rockland, and in the city and county of New York, and authorizing them to exercise the functions of their office therein,'" is hereby amended so as to read as follows:

§ 1. Any notary public appointed for the county of Kings, Queens, Richmond, Westchester, Putnam, Suffolk and Rockland, or for the city and county of New York, upon filing a certified copy of his appointment, with his autograph signature, in the clerk's office of any other of said counties, is hereby authorized to exercise all the functions of his office in such other of said counties, and also in the county in which he resides for each of such counties, with the same effect as he now possesses by law in the county for which he is appointed. And the county clerk of any of said counties in whose office any notary public, appointed as aforesaid, shall have filed a certified copy of his appointment, with his autograph signature, is hereby authorized and required, whenever so requested, to subjoin to any certificate of proof or acknowledgment, signed by such notary public, a certificate under his hand and official seal, specifying that said notary public has filed a certified copy of his appointment, with his autograph signature, in his office, and was, at the time of taking such proof or acknowledgment, duly authorized to take the same, and that said clerk is well acquainted with the handwriting of said notary public, and verily believes that the signature to the said certificate of proof or acknowledgment is genuine. And any conveyance so proved or acknowledged, and having such county clerk's signature subjoined thereto, shall be entitled to be read in evidence or to be recorded in any of the counties of this State.

Notary publics of counties named may file certificate of their appointment, etc., in any other of said counties.

Clerk to subjoin certificate.

Conveyances so acknowledged, etc., to be read in evidence.

§ 2. This act shall take effect immediately.

CHAP. 235.

AN ACT in relation to the payment of costs on arrest, trial and punishment for crimes and misdemeanors in villages, and in relation to the civil jurisdiction of police justices therein.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases where parts of two or more towns or parts of two or more counties, or either or both, are included within the limits of any incorporated village within this State, the legal expenses for arrest, trial and punishment for crimes and misdemeanors where, on conviction, the fine, penalty or forfeiture goes to such village, shall be borne and paid by such village; in all other cases, the legal costs of arrest, trial and punishment, or either, within the jurisdiction of, and entertained by, a police court of such village, shall be borne and paid by the town or county in which such offense was actually committed.

How criminal expenses are to be borne where parts of two or more towns or counties are included in one village.

§ 2. In all cases of imprisonment of persons charged with the commission of any offense, or under sentence on conviction of any offense, within the jurisdiction of any police court of such village, such imprisonment shall be in the county where such offense was actually committed.

Imprisonment to be in county where offense was committed.

§ 3. The civil jurisdiction of all police justices within any incorporated village of this State shall be limited to cases in which said village is a party in interest.

Civil jurisdiction.

§ 4. All acts or parts of acts, whether general or local, inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 236.

AN ACT creating a board of town auditors in the town of Newtown, Queens county, and prescribing their powers and duties.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Three town auditors to be elected.

SECTION 1. In addition to the officers now authorized by law to be elected, there shall be chosen in the manner hereinafter provided, at the next annual town meeting held in the town of Newtown, after the passage of this act, three town auditors, who shall be classified by lot under the superintendence of the supervisor, the justice of the peace having the shortest time to serve, and the town clerk, or a majority of such officers, who shall meet at the office of the town clerk, in said town for such purpose within ten days after such town meeting; and the person drawing for one, two and three years shall serve for such terms respectively; and annually thereafter one town auditor shall be elected for a term of three years.

To be classified.

Meeting of supervisor, justice and town clerk.

Powers and duties of town auditors.

§ 2. All the powers conferred by law upon the board of town auditors, as now constituted in said town, and all duties required by law to be performed by such board, are conferred upon, and shall be required of the town auditors elected, or appointed under and pursuant to this act. Such town auditors shall be voted for upon the same ballots, and their election certified to as in the case of other town officers.

Election of.

Qualifications of.

§ 3. No person shall be elected or appointed as such town auditor, or shall hold office as such, unless he is a resident freeholder of said town, and no person so elected or appointed shall hold any other office in said town during the term for which he is elected or appointed, and if he shall accept an election or appointment to any other office in said town, he shall immediately cease to be a town auditor, and the vacancy in his office shall be supplied in the manner hereinafter prescribed.

Compensation.

§ 4. Each of such town auditors shall be entitled to and receive three dollars per day, for each day not exceeding ten, actually employed by him in the performance of the duties of his office. In case of any vacancy occurring in the board of town auditors, by the death, resignation, removal from the town or from any other cause, of any or either of such town auditors, or by his negligence or refusal to accept such office, the supervisor may appoint some suitable and competent person to fill such vacancy until the next annual town meeting thereafter.

Vacancies.

§ 5. This act shall take effect immediately.

CHAP. 237.

AN ACT to amend chapter seven hundred and eighty of the laws of eighteen hundred and sixty-eight, entitled "An act in relation to a system of sewerage in and for the city of Syracuse."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter seven hundred and eighty of the laws of eighteen hundred and sixty-eight, entitled "An act in relation to a system of sewerage in and for the city of Syracuse," as amended by section three of chapter two hundred and thirty-four of the laws of eighteen hundred and seventy-one, is hereby further amended so as to read as follows: Sec. 5, chap. 780, Laws of 1868, amended.

§ 5. After such system of sewerage shall be established, and such maps shall be filed, as aforesaid, all sewers constructed in said city, by or under the authority of the city, shall conform in all things to such system, except it be made to appear to the mayor and common council that said system is incorrect, in which case the said mayor and common council may, in their discretion, make the necessary changes in said system for the purpose of making the proper connections, and may also, in their discretion, increase the size or change the grade of any sewer; and such changes shall be carried out under the advice and direction of the city engineer and surveyer. And wherever said system provides for the construction or extension of any sewer beyond the corporate limits of said city, said common council shall have power and are hereby authorized to construct or extend the same beyond such corporate limits, provided the same be constructed or extended through public streets, alleys or highways, and not through private property except by the consent of the owners thereof. Sewers to conform to system established. Exceptions. Power to extend sewer beyond corporate limits. Proviso.

§ 2. This act shall take effect immediately.

CHAP. 238.

AN ACT to fix and regulate the rates of toll on the Overlook Turnpike Company, in the counties of Ulster and Greene.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Overlook Turnpike Company and its toll gatherers are hereby authorized and empowered, in place of the tolls which said corporation is now authorized to charge, to demand and receive tolls, not exceeding the following rates: For every vehicle drawn by one animal, three cents a mile; for every vehicle drawn by two animals, five cents a mile; and one cent additional a mile for every animal more than two; for every score of neat cattle, sheep or swine, one cent a mile; and in the same proportion for any greater or less number of neat cattle, sheep or swine; for every horse and rider, or led Rates of toll.

Limitation.

horse, one cent a mile; but in no event shall the said The Overlook Turnpike Company charge or receive rates of toll which will enable it to divide more than six per cent on its capital stock, actually paid in cash, and invested in its road, after paying the expenses of managing the same, and keeping it in repair.

§ 2. This act shall take effect immediately.

CHAP. 239.

AN ACT to authorize the collector or receiver of taxes for the town of Liberty, in Sullivan county, to renew his bond and to extend the time for receiving and collecting the unpaid taxes in said town.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Collector may renew bond before 15th of May.

SECTION 1. At any time before the fifteenth day of May, eighteen hundred and eighty, the collector or receiver of taxes for the town of Liberty, in Sullivan county, may renew his bond according to the provisions of chapter twenty of the laws of eighteen hundred and eighty, passed February twentieth, eighteen hundred and eighty, with the same force and effect as if his said bond had been renewed, approved and filed within the time provided for in said act. On such renewal by said collector or receiver of taxes of his said bond, and on his complying with all other provisions of law relating to the duties of his said office, the time for the collection of all unpaid taxes in said town and for making return thereof by him shall be, and hereby is, extended to the first day of June, eighteen hundred and eighty. All proper official acts done and performed by said collector or receiver before the renewal of his said bond as herein provided for are hereby legalized and confirmed.

On renewal of bond, etc., time for collection of taxes extended till June 1.

Acts legalized.

§ 2. This act shall take effect immediately.

CHAP. 240.

AN ACT to repeal chapter three hundred and six of the laws of eighteen hundred and sixty-six, entitled "An act for the protection of the planting of oysters in the towns of Islip and Huntington, county of Suffolk, New York," and chapter six hundred and sixty-six of the laws of eighteen hundred and seventy-two, amendatory of said act, so far as said acts may be applicable to the present town of Huntington, in said county.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chap. 306, Laws of 1866, and

SECTION 1. Chapter three hundred and six of the laws of eighteen hundred and sixty-six, entitled "An act for the protection of the

planting of oysters in the towns of Islip and Huntington, county of Suffolk, New York," and chapter six hundred and sixty-six of the laws of eighteen hundred and seventy-two, amendatory thereof, so far as said acts affect the present town of Huntington, in said county, are hereby repealed. chap. 666, Laws of 1872, repealed so far as it affects town of Huntington.

§ 2. This act shall take effect immediately.

CHAP. 241.

AN ACT to amend chapter two hundred and ninety of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled 'An act to amend an act, passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act, passed February seventeenth, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" passed April twentieth, eighteen hundred and seventy-one, and to legalize the formation and acts of certain corporations formed according to the provisions of chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-seven.

PASSED May 8, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and ninety of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled 'An act to amend an act, passed April twenty-seventh, eighteen hundred and seventy-two, entitled 'An act to amend chapter six hundred and fifty-seven of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act, passed February seventeenth, eighteen hundred and forty-eight, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, passed April twentieth, eighteen hundred and seventy-one,'" is hereby amended so as to read as follows: General manufacturing and mining act amended.

§ 1. At any time hereafter any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical or chemical business, or the business of printing and publishing books, pamphlets and newspapers, or the business of making butter, cheese, concentrated or condensed milk, or any other products of the dairy, or the business of erecting buildings for church sheds or laundry purposes, and the carrying on of laundry business, or the business of slaughtering animals, or for the purpose of towing or propelling canal boats, vessels, rafts or floats on the canals and navigable rivers of the State of New York, by animal or steam power, their operations not to be confined to the county in which their certificates shall be filed, or the supplying of Number of corporators. Corporate objects.

hot water or hot air or steam for motive power, heating, cooking or other useful applications in the streets and public and private buildings of any city, village or town in this State, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the secretary of State, a certificate in writing, in which shall be stated the corporate name of the said company, and the objects for which the company shall be formed, the amount of the capital stock of said company, the time of its existence (not to exceed fifty years), the number of shares of which the said stock shall consist, the number of trustees and their names, who shall manage the concerns of said company for the first year, and the name of the town and county in which the operations of the said company are to be carried on.

Certificate.

Duplicate to be filed in Secretary of State's office.

§ 2. The organization of any corporation for the purpose of towing or propelling canal boats, vessels, rafts or floats on the canals and navigable rivers of the State of New York, by animal or steam power, their operations not to be confined to the county in which their certificate shall be filed, formed since the passage of chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-seven, and all the acts of the trustees of any such corporation, organized in compliance with the provisions of such last-named chapter, are hereby made as legal in all respects as if the said last-named chapter had remained in full force, and every such corporation so organized is hereby declared to have existence and to have the same powers and privileges in all respects as if the said act, being chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-seven, had been in full force in all respects at the time of the formation of any such corporation.

Organization of corporations for towing boats, etc., legalized.

§ 3. This act shall take effect immediately.

CHAP. 242.

AN ACT to amend chapter one hundred and forty-two of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, entitled 'An act to condense and amend the several acts relating to the village of Albion,'" and the several acts amendatory thereof.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision twenty-one of section six of title four of chapter one hundred and forty-two of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and twenty-five of the laws of eighteen hundred and forty-two, entitled 'An act to condense and amend the several acts relating to the village of Albion,'" is hereby amended so as to read as follows:

Subd. 21, sec. 6, title 4, chap. 142, Laws of 1879, amended.

21. To regulate the use of lights in stables or buildings in which combustible materials may be deposited, and prescribe the use of lanterns or safety lamps in stables and buildings; to prescribe fire limits

To regulate the use of lights in

within said village, within which wooden buildings shall not be erected, enlarged, removed, or placed, and to prohibit or prevent the erection, enlargement, removal, or placing of any wooden house, store, shop, stable, barn or other structure of wood, as in their opinion the public safety may require, without the permission of said trustees, and to direct that such buildings as they may permit to be erected within said limits shall be constructed of brick or stone, with partition walls of the same material and with fire-proof roofs, and to compel the inhabitants to keep fire buckets. Stables, etc. Fire limits.

§ 2. Section seven of title four of said act is hereby amended so as to read as follows:

§ 7. And for the purposes aforesaid, or any or either of them, or of executing any powers conferred upon the board of trustees or upon the village by this act, or otherwise, the board of trustees shall have full powers to make, establish, publish, modify, amend or repeal ordinances, rules, regulations and by-laws, and prescribe, fix and enforce such penalties or fines as they may deem proper for the violation of them respectively, not exceeding one hundred dollars, exclusive of said cost and expense, for any one offense; but every such ordinance, rule, regulation, or by-law, when general in its nature, shall be published at least once in one of the newspapers printed in said village before it takes effect, and every such ordinance, rule, regulation, or by-law which requires, effects or concerns a single act or transaction, of a definite and specified person or persons, shall be published by printing the same as aforesaid, or by delivering a copy thereof to the person or persons to be especially affected thereby, or by posting the same in one or more conspicuous places within the village as the board of trustees may determine, before it shall take effect; and it shall be the duty of the village clerk to record or post every such ordinance, rule, regulation or by-law, together with his certificate as to the time and manner of the publication thereof, in such book as shall be provided for that purpose by the board of trustees. Ordinances, rules, etc. Penalties. Publication of ordinances, etc. Service of copy of. Clerk to record or post ordinance, etc.

§ 3. This act shall take effect immediately.

CHAP. 243.

AN ACT to amend section three of title two of chapter five hundred and ten of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to incorporate the village of Flushing,' passed April fifteenth, eighteen hundred and thirty-seven, and the several acts amendatory thereof, passed March twentieth, eighteen hundred and fifty-seven."

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of title two of chapter five hundred and ten of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to incorporate the village of Flushing,' passed April fifteenth, eighteen hundred and thirty-seven, and the several acts amendatory thereof, passed March twentieth, eighteen hundred and fifty-seven," is hereby amended so as to read as follows: Sec. 3, title 2, chap. 510, Laws of 1869, amended.

Annual election.

§ 3. The annual election shall be held on the first Monday of December in each year from the hour of twelve o'clock noon until eight o'clock in the afternoon, during all of which time the poll shall be open. Notices of all elections of trustees shall be given by the board of trustees of said village. And notices shall be published in one or more newspapers published in said village at least eight days before the time fixed for the election, and by posting the same in at least six public and conspicuous places in the village, in which notice shall be designated the place in the village where the poll or polls will be held, the day and hours of holding the election, and the number of trustees to be chosen. The said trustees whose terms do not expire shall act as inspectors of all elections under this act, and it shall be the duty of all such trustees to attend for that purpose, but an election held before any one or more of them shall be valid. Immediately after the closing of the polls, the inspectors shall proceed to canvass the votes taken at any such election, shall openly declare the result, and shall make and subscribe a certificate of the canvass, which shall show the whole number of votes cast, and the number given for each person voted for. The person or persons eligible and having the greatest number of votes shall be declared to be duly elected. In case two or more persons who may be eligible shall have an equal number of votes, the inspectors shall forthwith determine by lot which shall be deemed elected, and in such case the facts shall be set forth in the certificate of canvass. The certificate shall be filed with the clerk of the board of trustees within two days after the election, and remain a public record of the village.

Notice of. Publication of.

Inspectors of election.

Canvass of votes.

Who to be declared elected.

In case of tie.

Certificate.

§ 2. This act shall take effect immediately.

CHAP. 244.

AN ACT in relation to the overseers of the poor of the town of Flushing, Queens county.

PASSED May 8, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Two overseers of the poor to be elected.

SECTION 1. On and after the expiration of the term of office for which the present overseers of the poor of the town of Flushing, Queens county, were elected, there shall be two overseers of the poor of said town whose term of office shall be for two years, and until their successors have been chosen and qualified according to law, entitling them to receive the books, papers and property belonging to the office. Such overseers of the poor shall be elected at the next annual town meeting to be held in said town for the election of town officers, after the passage of this act, and every two years thereafter, and such overseer shall be entitled to and receive a salary of four hundred and fifty dollars per year, and no other compensation shall be allowed by the town for services appertaining to the office.

Official bond.

§ 2. Each of said overseers of the poor, before entering upon the duties of said office, shall give a bond, duly executed, to the supervisors of said town, in the penal sum of double the amount of all moneys likely to come into his hands during any one year of his term of office, with good and sufficient sureties; the said amount to be fixed by the supervisor and justice of the peace of said town, and the

said bond shall be approved by the supervisor and justice of the peace of said town as to its form, manner of execution, and the sufficiency of the sureties therein mentioned, and duly filed in the office of the town clerk of said town, before such overseer of the poor shall enter upon the execution of the duties of such office, or be entitled to receive any money connected therewith. And in case said overseers of the poor, or either of them, shall fail for the term of ten days after his election to give such bond, his office shall become vacant and shall be filled in the manner now provided by law, and the person so appointed to fill such vacancy shall conform to the requirements of this act.

To be approved.

Failure to give bond vacates office.

§ 3. The said overseers of the poor shall at any and all times when requested by the town board, composed of the supervisor, justice of the peace and town clerk, or a majority of said town board, exhibit their, and each of their, accounts and doings for examination and approval, and for any failure to comply with said request for twenty days after being duly notified, his office may be declared to be vacant by said town board, and the vacancy filled as provided in section two of this act.

Must exhibit accounts to supervisor, etc.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 245.

AN ACT repealing certain acts and parts of acts.

PASSED May 10, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following acts and parts of acts heretofore passed by the legislature of the State are hereby repealed, namely:

1. Of the first part of the Revised Statutes:

(1.) Title fourth of chapter fifth; except sections fourteen and fifteen and article fourth thereof.

(2.) The following portions of chapter eighth:

Sections ten to fourteen, both inclusive, of title fifth.

All of title seventh.

(3.) Titles twelfth and thirteenth of chapter ninth.

(4.) The final clause of section four of title fourth of chapter eighteenth, beginning with the words, "and whenever any incorporated company shall have remained."

2. Of the second part of the Revised Statutes:

(1.) The following portions of chapter first:

Sections eighteen to twenty-four, both inclusive, of title third.

Sections four, five and six of title fourth.

Section three, and sections five to nine, both inclusive, of title fifth.

(2.) The following portions of chapter fifth:

All of title first, except article eighth thereof.

All of title second.

(3.) The following portions of chapter sixth:

All of title first, except sections one, two, three, four, five, twenty-one and twenty-two, sections forty to fifty-three, both inclusive, and sections sixty-nine, seventy and seventy-one thereof.

All of title second, except sections three, four, five, fifteen, sixteen, twenty-two, twenty-seven, twenty-eight, twenty-nine, thirty-two, thirty-three, thirty-four and sixty thereof.

The following portions of title third, namely: Sections seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, thirty-one, thirty-two and thirty-eight; the concluding portion of section thirty-nine, beginning with the words "but may prove such notice;" sections forty to forty-two, both inclusive; sections fifty-two to fifty-six, both inclusive; the concluding portion of section fifty-eight, as amended by chapter three hundred and sixty-two of the laws of eighteen hundred and sixty-three, beginning with the words: "But if the personal estate;" all of sections fifty-nine to seventy-four, both inclusive, and sections eighty, eighty-one, eighty-two and eighty-three.

All of title fourth, except sections fifty-five and fifty-eight thereof.

All of title fifth, except sections one to six, both inclusive, and section twenty-three thereof.

4. The following portions of chapter eighth:

All of title first, except article first thereof, and section forty-nine thereof.

All of title third, except sections one, two, three, twenty and twenty-one thereof.

3. The third part of the Revised Statutes, except the following portions thereof:

(1.) Of chapter first:

Articles first and second of title first.

Sections twenty-eight to forty-four, both inclusive, of title fourth.

Sections four, five, six, seven, twenty-one, twenty-four, twenty-five, twenty-seven, twenty-eight and twenty-nine of title fifth; so much of section twenty as fixes the places where the courts of common pleas and general sessions shall be held; and so much of sections eleven and fourteen thereof as relate to courts of general sessions.

(2.) Of chapter second:

Sections twenty-three, twenty-four, two hundred and thirty-one, two hundred and sixty-eight, two hundred and sixty-nine and two hundred and seventy of title fourth.

(3.) Of chapter third:

Sections forty, forty-one, forty-four, forty-five and forty-eight, and sections fifty-four to sixty-one, both inclusive, of title second.

(4.) Of chapter seventh:

Sections sixty-three to seventy, both inclusive, of title third.

(5.) Of chapter eight:

Sections one, two, eleven, seventeen and eighteen of title third.

The following portions of title fourth, namely: Section forty-two, which is hereby made applicable to a permanent receiver appointed as prescribed in section seventeen hundred and eighty-eight of the Code of Civil Procedure; sections sixty-six to eighty-nine, both inclusive, which are hereby made applicable to a receiver appointed as prescribed in section twenty-four hundred and twenty-nine of the Code of Civil Procedure; and sections one hundred and two to one hundred and six, both inclusive.

All of title eleventh.

All of title sixteenth.

Sections twenty-seven, twenty-eight, twenty-nine, thirty, thirty-two and thirty-five of title seventeenth.

(6.) Of chapter tenth:

Sections one, forty-one, forty-two and fifty-one of title third.

Sections one, two and four of title fourth.

4. The act entitled "An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," passed April twelfth, eighteen hundred and forty-eight; being chapter three hundred and seventy-nine of the laws of eighteen hundred and forty-eight, and the act amending the same, being chapter four hundred and thirty-eight of the laws of eighteen hundred and forty-nine, otherwise called the Code of Procedure.

5. Of the revised laws of eighteen hundred and thirteen:

The following portions of chapter eighty-six, entitled "An act to reduce several laws, relating particularly to the city of New York, into one act," passed April ninth, eighteen hundred and thirteen, namely: sections eighty-five to one hundred and forty-five, both inclusive.

6. Of the laws of eighteen hundred and twenty-five:

Chapter one hundred and seventy-nine.

7. Of the laws of eighteen hundred and twenty-nine:

Chapter one hundred and eighty-three.

8. Of the laws of eighteen hundred and thirty:

Chapters twenty-four, seventy-six, seventy-eight, eighty-four, one hundred and eighty-five, one hundred and eighty-six and two hundred and fifty-two.

9. Of the laws of eighteen hundred and thirty-one:

Chapters twenty-four, one hundred and thirty-three, two hundred, and two hundred and seventeen.

Section two of chapter two hundred and thirty-seven.

All of chapters two hundred and eighty-seven and three hundred.

10. Of the laws of eighteen hundred and thirty-two:

Chapters seven, nine, two hundred and eleven and two hundred and ninety-five.

11. Of the laws of eighteen hundred and thirty-three:

Chapters forty-two, fifty-two, two hundred, two hundred and twenty-three, two hundred and twenty-seven and two hundred and seventy-one.

12. Of the laws of eighteen hundred and thirty-four:

Chapters eighty-eight, one hundred and seventy, two hundred and thirty-five, two hundred and forty-five and three hundred and eight.

13. Of the laws of eighteen hundred and thirty-six:

Chapters three hundred and eighty-five and five hundred and twenty-six.

14. Of the laws of eighteen hundred and thirty-seven:

Chapters two hundred and forty, three hundred and sixty-seven, four hundred and eighteen and four hundred and sixty.

Sections three and four of chapter four hundred and sixty-one.

Section one of chapter four hundred and sixty-five.

15. Of the laws of eighteen hundred and thirty-eight:

Chapters one hundred and thirty-eight, one hundred and forty-nine, two hundred and twelve, two hundred and forty-three and two hundred and fifty-seven.

16. Of the laws of eighteen hundred and thirty-nine:

Chapters eighty-six, one hundred and three, three hundred and forty-two and three hundred and forty-three.

17. Of the laws of eighteen hundred and forty:

Chapters sixty-five, one hundred and sixty-five, one hundred and seventy-seven and two hundred and twenty-five.

Section two of chapter two hundred and thirty-eight.

All of chapters two hundred and thirty-nine, three hundred and

seventeen, three hundred and forty-two, three hundred and forty-seven, three hundred and seventy-seven, three hundred and seventy-nine, three hundred and eighty-four and three hundred and eighty-six.

18. Of the laws of eighteen hundred and forty-one:

Chapters thirty-eight, one hundred and twenty-nine, one hundred and thirty-eight, one hundred and forty-one, two hundred and fifty-seven and three hundred and twenty-one.

19. Of the laws of eighteen hundred and forty-two:

Chapters one hundred and seven, one hundred and ninety-seven, two hundred and forty and two hundred and seventy-seven.

20. Of the laws of eighteen hundred and forty-three:

Chapters one hundred and twenty-one and one hundred and seventy-two.

Sections one, three and four of chapter one hundred and seventy-seven.

All of chapter two hundred and one.

21. Of the laws of eighteen hundred and forty four:

Chapters eleven, thirty-two, one hundred and four, one hundred and twenty-seven, two hundred and seventy-three, three hundred and three hundred and twelve.

Sections two and sixteen of chapter three hundred and nineteen.

All of chapter three hundred and forty-six.

22. Of the laws of eighteen hundred and forty-five:

Chapters one hundred and twelve, two hundred and ten, two hundred and fourteen and two hundred and forty-two.

Section three of chapter two hundred and ninety-one.

All of chapter three hundred and forty-eight.

23. Of the laws of eighteen hundred and forty-six:

Chapters one hundred and forty, one hundred and fifty-nine, one hundred and eighty-two, two hundred and nine, two hundred and seventy-four, two hundred and seventy-six and two hundred and eighty-eight.

24. Of the laws of eighteen hundred and forty-seven:

Chapters five and one hundred and nineteen.

Sections seven, eleven, twelve, thirteen and fourteen of chapter two hundred and seventy-seven.

All of chapter two hundred and eighty, except the following portions thereof, namely: Article first and article fifth; and sections twenty-five and sixty-five.

All of chapters two hundred and ninety-eight, three hundred and twenty-nine, three hundred and thirty-seven, three hundred and thirty-nine, three hundred and fifty-two, three hundred and fifty-three, three hundred and sixty-six, four hundred and thirty, four hundred and fifty, four hundred and sixty-two and four hundred and sixty-four.

All of chapter four hundred and seventy, except sections twenty-six, thirty-three and thirty-five thereof.

25. Of the laws of eighteen hundred and forty-eight:

Chapters twenty-eight, thirty-five, forty-eight, fifty, fifty-three, one hundred and seventy and one hundred and eighty-five.

Section one of chapter one hundred and ninety-seven.

All of chapter three hundred and twelve.

Section two of chapter three hundred and seventy-four.

26. Of the laws of eighteen hundred and forty-nine:

Chapters twenty-two, thirty and seventy-six.

All of chapters one hundred and seventy-three and one hundred and seventy-six.

Section one of chapter two hundred and fifty-six.

All of chapters two hundred and fifty-eight, three hundred and fifty-seven, three hundred and eighty, four hundred and thirty-eight and four hundred and thirty-nine.

27. Of the laws of eighteen hundred and fifty:

Chapters eighty-two and ninety-four.

Sections one, two, three, four, nine, ten and eleven of chapter one hundred and thirty-eight.

All of chapters one hundred and fifty, one hundred and sixty-two, one hundred and ninety-four, two hundred and ten and two hundred and twenty-five.

28. Of the laws of eighteen hundred and fifty-one:

Chapters two hundred and seventy-seven and four hundred and fifty-five.

29. Of the laws of eighteen hundred and fifty-two:

Section one of chapter seventy-one.

All of chapters one hundred and seventy-five and two hundred and seventy-seven.

All of chapter three hundred and eighty-nine, except sections one, two, three and five thereof.

30. Of the laws of eighteen hundred and fifty-three:

Chapters one hundred and fifty-three, two hundred and thirty-eight, six hundred and seventeen and six hundred and forty-eight.

31. Of the laws of eighteen hundred and fifty-four:

All of chapter ninety-six, except section six, and sections thirty to thirty-nine thereof, both inclusive.

All of chapters one hundred and sixteen and one hundred and thirty.

All of chapters two hundred and six and two hundred and seventy.

32. Of the laws of eighteen hundred and fifty-five:

Chapter eighty-five.

Sections one and two of chapter two hundred and two.

All of chapter five hundred and eleven.

33. Of the laws of eighteen hundred and fifty seven:

Chapter one hundred and seventy-three.

All of chapter two hundred and ninety-five, except section seven thereof.

All of chapter three hundred and eight.

Sections three, ten, fifteen, fifty-one and seventy-six of chapter three hundred and forty-four.

All of chapters five hundred and twelve, six hundred and seventy-nine and seven hundred and seventy-five.

34. Of the laws of eighteen hundred and fifty-eight.

Chapters one hundred and seventy-six and two hundred and thirteen.

Section three of chapter three hundred and fourteen.

Sections two to six, both inclusive, of chapter three hundred and thirty-four.

35. Of the laws of eighteen hundred and fifty-nine:

Chapters one hundred and seventy-four, two hundred and fifty-two and two hundred and sixty-two.

Section one of chapter three hundred and eighty-nine.

36. Of the laws of eighteen hundred and sixty:

Chapter eighty.

Section seven of chapter ninety.

All of chapters one hundred and thirty-one, one hundred and thirty-

six, one hundred and seventy-three, four hundred and three and four hundred and twenty-seven.

Sections one and two of chapter four hundred and ninety-three.

37. Of the laws of eighteen hundred and sixty-one:

Chapters eleven and twelve.

38. Of the laws of eighteen hundred and sixty-two:

Sections three, five and seven of chapter one hundred and seventy-two.

All of chapter two hundred and twenty-nine.

So much of chapter three hundred and thirty-seven as relates to justices of the peace exercising civil jurisdiction.

The first clause of section one of chapter three hundred and eighty-nine, ending with the words "amount demanded or recovered does not exceed five hundred dollars."

All of chapter four hundred and fifty-nine.

The following portions of chapter four hundred and eighty-four, namely:

So much of sections three and seventeen as relates to the marine court of the city of New York.

39. Of the laws of eighteen hundred and sixty-three:

Sections one, two, five, six and nine of chapter three hundred and sixty-two.

All of chapter four hundred and three.

40. Of the laws of eighteen hundred and sixty-four:

Chapter fifty-three.

Sections one to eleven, both inclusive, of chapter seventy-one.

All of chapters two hundred and nineteen, three hundred and eleven, three hundred and seventy-one, four hundred and eleven, four hundred and seventeen and five hundred and forty-five.

41. Of the laws of eighteen hundred and sixty-five:

Chapters eighty-one, three hundred and fifty-seven, four hundred and thirty-six, six hundred and sixteen and seven hundred and thirty-three.

42. Of the laws of eighteen hundred and sixty-six:

Chapters three hundred and seven and six hundred and thirty-six.

Sections one, two, six, seven, nine and ten of chapter six hundred and ninety-two.

All of chapters seven hundred and one and seven hundred and fifty-eight.

43. Of the laws of eighteen hundred and sixty-seven:

Chapters one hundred and ten, five hundred and sixteen and six hundred and fifty-eight.

Section one, sections seven to ten, both inclusive, and section sixteen of chapter seven hundred and eighty-two.

All of chapter eight hundred and fourteen.

44. Of the laws of eighteen hundred and sixty-eight:

Chapters five hundred and ninety-four, eight hundred and four and eight hundred and twenty-eight.

45. Of the laws of eighteen hundred and sixty-nine:

Chapters one hundred and fifty-seven, two hundred and forty-six, two hundred and sixty, four hundred and twenty-four and four hundred and thirty-three.

Section four of chapter five hundred and sixty-nine.

All of chapters six hundred and twenty-seven, seven hundred and thirty-eight and seven hundred and forty-eight.

So much of section one of chapter eight hundred and twenty as

amends sections six and seven of chapter six hundred and ninety-two of the laws of eighteen hundred and sixty-six.

All of chapters eight hundred and thirty-one and eight hundred and forty-five.

46. Of the laws of eighteen hundred and seventy:

Chapters twenty, thirty-seven and fifty-nine.

Section two of chapter seventy-four.

All of chapter seventy-eight.

Sections one, two and three of chapter one hundred and fifty-one.

All of chapters one hundred and seventy, three hundred and fifty-nine, three hundred and ninety-four, four hundred and sixty-seven, seven hundred and six and seven hundred and seventeen.

47. Of the laws of eighteen hundred and seventy-one:

Chapters two hundred and nineteen, three hundred and sixty-one, four hundred and fifteen and four hundred and eighty-two.

Sections one to seven, both inclusive, of chapter four hundred and ninety-two.

All of chapters six hundred and three, seven hundred and ninety-nine and eight hundred and thirty-four.

Sections seven and eight of chapter eight hundred and fifty-nine.

All of chapters eight hundred and seventy-four and nine hundred and thirty-six.

48. Of the laws of eighteen hundred and seventy-two:

Chapters twenty-six, ninety-two and one hundred and sixty-one.

All of chapter four hundred and thirty-eight, except so much thereof as relates to criminal courts, or to district courts in the city of New York.

All of chapters six hundred and twenty-nine, six hundred and eighty, six hundred and ninety-three and seven hundred and seventy-six.

49. Of the laws of eighteen hundred and seventy-three:

Sections one and three of chapter sixty-one, as the latter section is amended by chapter one hundred and seventy-one of the laws of eighteen hundred and seventy-four.

All of chapters seventy, one hundred and eighty-two, two hundred and eleven and five hundred and fifty-two.

The concluding portion of section one of chapter five hundred and eighty-three, beginning with the words, "and shall have the same remedies to recover."

50. Of the laws of eighteen hundred and seventy-four:

Chapters nine, fifty-four, one hundred and twenty-seven, one hundred and fifty-six, two hundred and fifty-eight, two hundred and sixty-seven and four hundred and thirty-seven.

Section thirty-eight of title one, and all of title two of chapter four hundred and forty-six.

All of chapter four hundred and fifty-six.

All of section one of chapter four hundred and sixty, except the last sentence thereof, beginning with the words, "every juror shall receive."

All of chapters five hundred and twenty-four and five hundred and forty-five.

51. Of the laws of eighteen hundred and seventy-five:

Chapters forty-nine, three hundred and thirty-five, four hundred and twenty-eight and four hundred and forty-two.

All of chapter four hundred and seventy-nine, except section fifty-four thereof.

All of chapters five hundred and nineteen, six hundred and twenty-three, six hundred and twenty-five and six hundred and thirty.

52. Of the laws of eighteen hundred and seventy-six:

Chapters one hundred and eighteen and one hundred and thirty-six.

That portion of section five of chapter one hundred and ninety-six, as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and seventy-seven, which follows the words "at nine o'clock in the forenoon."

All of chapter two hundred and five.

Section two of chapter two hundred and sixty-seven.

All of chapters two hundred and seventy-eight and two hundred and ninety-nine.

Sections one and two of chapter three hundred and thirty-eight.

Sections one, three and four of chapter four hundred and thirteen.

All of chapters four hundred and twenty-six, four hundred and thirty-one, four hundred and forty-two and four hundred and forty-nine.

53. Of the laws of eighteen hundred and seventy-seven:

Chapters one hundred and eighty-seven, two hundred and six, two hundred and seventy-four and two hundred and eighty-five.

54. Of the laws of eighteen hundred and seventy-eight:

Chapters thirty-three, one hundred and twenty-nine and one hundred and seventy-five.

Sections one, two and five of chapter one hundred and eighty-six.

Section two of chapter two hundred and ninety-eight.

All of chapter three hundred and twenty-four.

Certain acts relating to fees.

55. So much of every provision of the existing laws, not previously specified in this section, relating to fees or other compensation of an officer or other person, as is inconsistent with, or the subject-matter whereof is fully provided for in the Code of Civil Procedure, whether such provision has been heretofore generally repealed or not.

Effect of repeal on amendments to the code of procedure.

§ 2. The repeal, by the last preceding section of the Code of Procedure, and of the portions of the Revised Statutes therein specified, effects also the repeal of all of the existing laws which expressly amend the said Code of Procedure or the portions of the Revised Statutes so repealed, by adding to or otherwise altering the text thereof. The

Description and reference is to statutes as they appear in printed volumes.

description contained in the last preceding section of statutes, other than the revised laws of eighteen hundred and thirteen, or the Revised Statutes, refers to the statutes as they appear in the volumes of the laws of each session, printed and published by the State printer until the year eighteen hundred and forty-two, and after that year under the direction of the secretary of State.

§ 3. The repeal effected by the first section of this act is subject to the following qualifications:

Qualifications in relation to the repeal effected by first section.

1. It does not render ineffectual, or otherwise impair any proceeding in an action or a special proceeding had or taken pursuant to law before this act takes effect; and where the repeal of a provision, specified in that section, would render ineffectual, or otherwise impair, such a proceeding, that provision must be deemed to remain unrepealed for the purpose of avoiding such a result.

Id.

2. It does not affect any other lawful act done, or right, defense or limitation, lawfully accrued or established, before this act takes effect; and every such right or act remains as valid and effectual as if this act had not been passed. But this subdivision does not apply to a case provided for in chapter fourth of the Code of Civil Procedure.

Id.

3. It does not affect any offense committed, or penalty or forfeiture incurred, before this act takes effect, except that the proceedings in a civil action or special proceeding, brought by reason thereof, are subject to the provisions of the laws in force after this act takes effect.

4. It does not affect the jurisdiction, power or authority of any court or judge, in a criminal action or a criminal special proceeding, nor does it affect any future proceeding, taken according to the existing laws, in such an action or special proceeding, except as otherwise prescribed in subdivision sixth of this section, or implied in chapter twenty-second of the Code of Civil Procedure. Id.

5. It does not affect the power or authority of a court other than the supreme court, a superior city court, the marine court of the city of New York, or a county court, in an action or a special proceeding, of which such a court retains jurisdiction, under the laws in force, after this act takes effect; nor does it affect any future proceeding taken pursuant to law, in such an action or special proceeding, except as otherwise implied in the Code of Civil Procedure. Id.

6. It does not affect the power, authority or jurisdiction of the county court respecting ferries, fisheries, turnpike roads, wrecks, physicians, habitual drunkards, the removal of occupants from State lands, the laying out of railroads through Indian lands, and upon appeal from the determination of commissioners of highways, and all other powers and jurisdiction specially conferred by any statute remaining unrepealed after this act takes effect upon the late court of common pleas of the county or the county court, and to prescribe the manner of exercising such jurisdiction, where the provisions of any statute are inconsistent with the organization of the county court. Id.

7. It does not affect any provision of the existing laws relating to the district courts of the city of New York, or costs or fees or proceedings in, or appeals from, those courts, or the appointment, tenure of office, duty, or compensation of stenographers in those courts, except so far as the subject thereof is expressly regulated or provided for in the Code of Civil Procedure. Id.

8. It does not affect the right of a prevailing party to recover the fees of referees and witnesses and his other necessary disbursements upon the reference of a claim against a decedent, as provided in those portions of the Revised Statutes left unrepealed after this act takes effect. Id.

9. Except as otherwise prescribed in section two of this act, the repeal of any provision of the existing laws, which has been amended by a subsequent provision of those laws, not expressly repealed by this act, does not affect the subsequent provision. Id.

10. The repeal of any provision of the existing laws does not revive any law repealed by the latter. Repeal, how construed.

11. The repeal of a law heretofore repealed is not to be construed as a declaration or implication that the repealed law has been in force at any time subsequent to the former repeal. Id.

12. The repeal of a portion of a law is not to be construed as reviving any other portion of that law which has been expressly or impliedly repealed by a law subsequently enacted. Id.

13. Where a provision of the existing laws, incorporated into or adopted or otherwise referred to in any other provision of the existing laws remaining in force after this act takes effect, is repealed, the former provision, nevertheless, remains in force, for the purpose for which it is so referred to, and for no other; except that where it has been revised in, and made a part of, the Code of Civil Procedure, the reference is to be construed as applying to the appropriate provision so revised. Id.

14. The repeal of any of the existing laws creating or otherwise relating to an office or employment where the same or a corresponding When repeal does not create

vacancy in office.

office or employment is provided for or recognized in the Code of Civil Procedure, or in any other of the existing laws remaining unrepealed after this act takes effect, does not create a vacancy therein, nor does such repeal, except as otherwise prescribed in subdivision fifty-fifth of section first of this act, abolish, diminish or otherwise affect the salary, fees or other compensation of the incumbent, or the time or manner of the payment thereof, or the fund out of which, or officer by whom they are paid, as regulated by the laws so repealed, or the laws remaining unrepealed; nor does this act affect any provision of the existing laws, which requires, in the city of New York, a party filing a first note of issue of fact in the supreme court or a superior city court to pay any sum to the clerk; or which relates to the accounting for, application and disposition of, the sums so paid.

"Existing laws," defined.

§ 4. The term "existing laws," as used in this act, designates the statutes of the State remaining unrepealed on the day before this act takes effect.

§ 5. This act shall take effect on the first day of September, eighteen hundred and eighty.

CHAP. 246.

AN ACT supplementary to chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes."

PASSED May 11, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Societies, etc., incorporated under chap. 368, Laws of 1865, may extend objects and business.

SECTION 1. Any society, association, or incorporation now incorporated, or that may hereafter be incorporated under and by virtue of chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-five, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes," and the acts amendatory thereof, may, from time to time, extend its objects and business beyond those set forth in its original certificate, so as to include other objects and business authorized by said acts, on making, signing and acknowledging, under the hands of its trustees, or a majority of them, an additional certificate stating the further objects and business of such society, and filing the same in the office of the secretary of State and also in the office of the clerk of the county in which the office of such society shall be situated; provided that no such society or incorporation shall engage, directly or indirectly, in any objects or business not specified or included in the said acts.

Additional certificate to be made.

To be filed.

§ 2. This act shall take effect immediately.

CHAP. 247.

AN ACT to amend chapter six hundred and thirteen of the laws of eighteen hundred and sixty-seven, entitled "An act in confirmation of the conveyance of lands to the Queens County Agricultural Society, and extending the powers of the officers of said society."

PASSED May 11, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter six hundred and thirteen of the laws of eighteen hundred and sixty-seven, entitled "An act in confirmation of the conveyance of lands to the Queens County Agricultural Society, and extending the powers of the officers of said society," is hereby amended so as to read as follows: Sec. 2, chap. 613, Laws of 1867, amended.

§ 2. Nothing in this act shall be construed to authorize or permit the said Queens County Agricultural Society to use or lease their grounds, or any portion of them, for purposes forbidden by, or inconsistent with the provisions of the general act in relation to the formation of agricultural societies.

§ 2. Section three of said act is hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 248.

AN ACT to authorize a tax of thirty-four one-hundredths of a mill, per dollar of valuation, to provide for a deficiency in the sinking fund under article seven, section three of the constitution.

PASSED May 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be imposed, for the fiscal year beginning on the first day of October, one thousand eight hundred and eighty, a State tax of thirty-four one-hundredths of a mill on each dollar of the valuation of the real and personal property in this State subject to taxation; which tax shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law; and shall be paid by the several county treasurers into the treasury of this State, to be held by the State treasurer for appropriation to the purposes designated in the second section of this act. .34 100 mill tax.

§ 2. The whole of the tax levied and collected under the preceding section shall be paid into the treasury of this State to the credit of the canal fund, and is hereby appropriated and shall be applied as follows: For the payment to the sinking fund, under section three of article seven of the constitution, the sum of eight hundred and twenty-nine thousand six hundred and sixty-three dollars and fifty-four cents, to supply the deficiency which existed in said sinking fund For the canal fund.

on the thirtieth September last. For the payment to said sinking fund, the further sum of sixty-six thousand three hundred and seventy-three dollars and eight cents, being the interest on the aforesaid deficiency to the time when the same will be realized from the tax.

CHAP. 249.

AN ACT to authorize the sale of the stock held by the city of Rome in the Rome and Clinton Railroad Company, and to authorize the application of the proceeds to the payment of the bonds of said city issued in payment for said stock.

PASSED May 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

R. R. commissioners to sell stock of R. & C. R. R. Co.

SECTION 1. The railroad commissioners of the city of Rome, appointed and holding office under the provisions of chapter five hundred and ninety-two of the laws of eighteen hundred and sixty-nine, are hereby authorized and empowered to sell at public or private sale, but at not less than par, and transfer so much of the capital stock of the Rome and Clinton Railroad Company now owned by said city as will be sufficient for the payment of all the bonds of said city still outstanding which were issued to pay for said stock, and to apply the proceeds in payment of said outstanding bonds, and to no other purpose.

To pay city bonds.

To render final account.

§ 2. When the said city bonds shall be paid in full, the said railroad commissioners shall render a full and final account of all their transactions as such commissioners, duly verified by them, and the said account shall be examined and audited by the county judge of Oneida county. The said commissioners shall thereupon file said account so audited in the office of the chamberlain of the city of Rome, and shall at the same time deliver to him scrip for the unsold stock of the Rome and Clinton Railroad Company belonging to said city, and pay over to said chamberlain any balance of money in their hands, and take the receipt of the chamberlain for the same.

Receipt and paid bonds to be filed in county clerk's office.

§ 3. The said receipt of the chamberlain, together with the paid bonds of said city of Rome issued for stock in said Rome and Clinton Railroad Company canceled, shall thereupon be filed by said commissioners in the office of the clerk of the county of Oneida, and thereupon said commissioners shall be discharged from their duties as commissioners, and their bonds shall be canceled and delivered up to them, and the office of said commissioners shall be abolished.

§ 4. This act shall take effect immediately.

CHAP. 250.

AN ACT to release and convey to Emily Wundus the interest of the people of the State of New York in certain real estate in the city of Lockport.

PASSED May 11, 1880; by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the people of the State of New York in and to all that certain lot, piece or parcel of land situate in the city of Lockport, county of Niagara, and State of New York, known as part of farm lot number ten in the fourteenth section, fourteenth township, sixth range, and bounded as follows: Beginning at the intersection of the southerly line of South street with the westerly line of East Transit street, now called Elm street, according to Jesse P. Haines' engraved map of the village (now city) of Lockport, and running thence westerly along the southerly line of said South street, one chain; thence southerly parallel to said Elm street to the south line of lands conveyed to William Sanders and John Robinson by Daniel O. Comstock, by deed dated the third day of January, eighone hundred and thirty-three, and recorded in Niagara county clerk's office, in book of deeds number eight, on pages four hundred and forty-two and four hundred and forty-three; and thence easterly along the said line of lands so deeded by said Comstock to the said Sanders and Robinson, to the west bounds of said Elm street; and thence northerly along the west bounds of said Elm street two chains, fourteen and one-half links to the place of beginning, containing more or less, and also known as lot number ten on the south side of said South street in said city, except so much thereof as was deeded to Frances C. Washington by Alexander Fraser and wife, by deed recorded in Niagara county clerk's office, in book of deeds number one hundred and two, at page forty, are hereby granted, released and conveyed to Emily Wundus and to her heirs and assigns forever. Interest of State released. Description of land.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any heir at law, devisee or grantee, purchaser or creditor by judgment, mortgages or otherwise, in and to said premises, or any part or parcel thereof. Not to impair vested rights.

§ 3. This act shall take effect immediately.

CHAP. 251.

AN ACT making appropriations for the payment of the principal and interest of the canal debt for the fiscal year commencing on the first day of October, one thousand eight hundred and eighty.

PASSED May 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of five hundred and thirty-eight thousand nine Appropri-

ation to pay interest.

hundred and two dollars is hereby appropriated out of the sinking fund under section three of article seven of the constitution, to pay the interest on the debt contracted under said section, as the same shall become due during the fiscal year commencing October first, one thousand eight hundred and eighty.

Surplus to sinking fund.

§ 2. If after paying the expenses of collection, superintendence and ordinary repairs of the canals, for the fiscal year commencing on the first day of October, one thousand eight hundred and eighty, there shall be any surplus of the revenues of the canals, such surplus is hereby appropriated to the sinking fund for the extinguishment of the principal and interest of the loans made under section three of article seven of the constitution.

CHAP. 252.

AN ACT to provide for the construction of fishways in the State dams across the Oswego, Oneida and Seneca rivers.

PASSED May 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Superintendent of public works to cause fishways to be built in dams.

SECTION 1. It shall be the duty of the superintendent of public works of this State to cause to be constructed and maintained, in all the State dams across the Oswego, Oneida and Seneca rivers in such manner as not to injure the said dams, fishways at least one foot in depth at the edge of the dams, and of proper width to allow all fish endeavoring to migrate to the waters of said rivers above the dams, to pass over the same. The said fishways shall be placed at an angle of not more than thirty degrees, and extend entirely to the running water below the dams, and shall be protected on each side by a gunwale of at least one foot in height to confine the waters therein. The said fishways shall be constructed under the supervision of the superintendent of public works, and be located at such places in said dams and built in such manner and of such materials as he shall direct.

How placed.

Appropriation.

§ 2. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated to build said fishways.

§ 3. This act shall take effect immediately.

CHAP. 253.

AN ACT to incorporate the "Maenner Gesang Verein Eichenkranz.

PASSED May 11, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Charles Forschner, Charles Schwing, Henry Meyer, Henry Splitdorf, Charles Haenlein, Henry Druckemüller, Edward Oswald, Louis Fricke, Oscar Dietz, Theodore Krueger, Charles Scheuing, Max Parpart and such other persons as now are, or hereafter shall

become, members of the Maenner Gesang Verein Eichenkranz, in the city of New York, are hereby constituted a body corporate by the name aforesaid. Name.

§ 2. The object of this society shall be to cultivate song, music and social entertainments. Object.

§ 3. The said corporation shall have power to prescribe rules and orders for the general government thereof, for the admission and expulsion of its members, and for the election, time of service and duties of its members. Rules.

§ 4. The said corporation may purchase and hold real and personal estate, for their use and benefit, not to exceed one hundred thousand dollars. May hold real estate.

§ 5. The said corporation shall possess general powers, and be subject to the general restrictions and liabilities contained in the third title of chapter eighteen of part first of the Revised Statutes. General powers.

§ 6. This act shall take effect immediately.

CHAP. 254.

AN ACT to exempt certain corporations from the provisions of sections five, six and eight, title four, chapter eighteen, part one of the Revised Statutes, entitled "special provisions relating to certain corporations."

PASSED May 11, 1880.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every corporation organized under chapter forty of the laws of eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," or under any act amendatory thereof or supplementary thereto, is hereby exempted from the provisions of sections five, six and eight, title four, chapter eighteen, part one of the Revised Statutes, entitled "special provisions relating to certain corporations." Corporations exempt from secs. 5, 6 and 8, title 4, chap. 18, part 1 of the R. S.

§ 2. This act shall take effect immediately.

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature, on the 11th day of May, 1880.

CHAP. 255.

AN ACT to amend chapter two hundred and seventy-one of the laws of eighteen hundred and thirty-four, entitled "An act for establishing a justices' court in the city of Troy," and the several acts amendatory thereof and supplemental thereto, and also to amend chapter fifty-six of the laws of eighteen hundred and forty-eight, entitled "An act to provide for the election of the justices and the clerk of the justices' court in and for the city of Troy, and the appointment of a marshal, and the several acts amendatory thereof and supplemental thereto, and also to amend chapter eighteen of the laws of eighteen hundred and seventy-six, entitled 'An act in relation to the police court and justices' court of the city of Troy.'"

PASSED May 11, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 14, chap. 18, Laws of 1876, amended.

SECTION 1. Section fourteen of chapter eighteen of the laws of eighteen hundred and seventy-six, entitled "An act in relation to the police court and justices' court of the city of Troy," is hereby amended so as to read as follows:

Justices' court.

§ 14. The justices' court of the city of Troy shall consist of two justices, who shall be known and shall be the justices of the justices' court of the city of Troy. The said justices shall severally be officers of the said city of Troy, and shall be elected at the general election held in said city on the Tuesday succeeding the first Monday in November, eighteen hundred and eighty, and at the general election held in said city in every third year thereafter as hereinafter provided.

Sec. 2, chap. 56, Laws of 1848, amended.

§ 2. Section two of chapter fifty-six of the laws of eighteen hundred and forty-eight is hereby amended so as to read as follows:

Election of justices.

§ 2. At the general election held in the city of Troy on the Tuesday succeeding the first Monday in November, eighteen hundred and eighty, and at the general election held in the said city every third year thereafter, there shall be elected two justices of the justices' court in and for the city of Troy. The two persons receiving the largest number of votes shall be declared duly elected and shall be the justices of the justices' court of the city of Troy. The persons elected as justices of the justices' court of the city of Troy at the general election held in said city on the Tuesday succeeding the first Monday in November, eighteen hundred and eighty, shall hold their offices,

Terms of office.

respectively, as follows: The person who shall have received the largest number of votes for justice of the justices' court of the city of Troy, at such general election, shall hold the office of a justice of the justices' court for three years from the Tuesday succeeding the second Monday in November, eighteen hundred and eighty; and the person who shall have received the next largest number of votes for justice of the justices' court at such election shall hold the office of a justice of the justices' court from the second Tuesday in March, eighteen hundred and eighty-one, until the Tuesday succeeding the second Monday of November, eighteen hundred and eighty-three, and thereafter the full term of office of a justice of the justices' court of the city of Troy shall be three years from the Tuesday succeeding the second Monday

in November, after his election. No person shall be eligible to the office of a justice of the justices' court of the city of Troy who is not an elector of said city, and who is not an attorney and a counselor at law, duly admitted to practice in the courts of record of this State. Persons eligible to the office of justice.

§ 3. Section three of chapter fifty-six of the laws of eighteen hundred and forty-eight is hereby amended so as to read as follows: Sec. 3, chap. 56, Laws of 1848.

§ 3. In case of a vacancy happening in said office for any cause other than by expiration of term of office, the common council of said city shall, by a two-thirds vote of all the elected members of said common council, appoint a person to fill such vacancy, who shall hold the said office for such unexpired term. Vacancies, how filled.

§ 4. Section fifteen of title two of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows: Sec. 15, title 2, chap. 598, Laws of 1870, amended.

§ 15. The persons elected or appointed justices of the justices' court of the city of Troy, after the passage of this act, shall each receive an annual salary of twelve hundred dollars payable quarterly by the chamberlain of said city, which salary shall be in lieu of, and instead of, all fees and charges for services of any kind in all actions or proceedings had before the said justices of the justices' court. Salary. To be in lieu of fees.

§ 5. Section eighteen of title two of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two is hereby amended so as to read as follows: Sec. 18, title 2, chap. 598, Laws of 1870, amended.

§ 18. All fees and costs received by a justice of the justices' court of the city of Troy, in any civil actions or proceedings in said court, and not belonging to parties in such actions or proceedings, shall be accounted for and paid over to the chamberlain of the city of Troy, monthly, and each of the said justices shall furnish to the said chamberlain, in each month, a full, true and correct statement, in writing, duly verified by him on oath, of all such fees and costs not paid over to the party or parties in such civil actions or proceedings, and such statement shall be made in detail. Fees to be accounted for and paid over to city chamberlain.

§ 6. Section nineteen of title two of chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, as amended by chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows: Sec. 19, amended.

§ 19. The justices of the said justices' court shall keep a true and accurate account of all expenses incurred by the said court for stationery, with the particular items thereof, and render monthly an accurate account thereof, with the specific items of such account, on oath, to the comptroller of the city of Troy. No claims of the said justices' court for any of the aforesaid expenses shall be allowed or paid unless so presented to the comptroller. The said expenses shall be paid by the chamberlain of said city from the moneys received as fees and costs by the justices of the justices' court and from no other funds of said city. Account of expenses.

§ 7. Section four of chapter two hundred and seventy-one of the laws of eighteen hundred and thirty-four is hereby amended so as to read as follows: Sec. 4, chap. 271, Laws of 1834, amended.

§ 4. The seal of the justices' court of the city of Troy shall remain the same as it now is. The said justices' court shall be open every day, at seasonable hours, except on Sundays, the day of the general election and the legal holidays. All process issued out of said court Seal of the justices' Court. Process.

shall be issued in the name of the justices' court of the city of Troy, and be sealed with the seal of said court, and signed by one of the justices of the justices' court. The issue in any action or proceeding in the said court may be joined before either of the said justices of the justices' court, but the trial of such issue and all proceedings thereafter in such action or proceeding shall be had before the justice before whom such issue was joined, unless for some cause such justice shall become ineligible or unable to hear the same, in which case such issue may be tried, and such subsequent proceedings had before the other justice of the justices' court, and the return, on appeal from any judgment or decree of said court, shall be made by the justice who rendered the same, unless for some cause such justice shall become ineligible or unable to make the same, in which case such return shall be made by the other justice of the said justices' court.

Proceedings.

Jurisdiction.

§ 8. The justices of the justices' court of the city of Troy, now in office, or hereafter elected or appointed as herein provided, shall possess the same power, jurisdiction and authority in civil actions and proceedings as now vested by law in the justices of the justices' court of said city and in the clerk of said court.

Docket of judgments.

§ 9. The justices now holding the office of justices of the justices' court of the city of Troy, and those hereafter elected or appointed as herein provided, shall continue the docket of judgments, and all other records of the said court now required by law to be kept, and after the expiration of the term of office of the clerk of said court now in office they shall each personally enter in such docket, over their respective signatures, the record of each judgment rendered by them respectively as such justices, in the same form and manner as the clerk of said court is now required by law to enter and docket the same, and they shall issue transcripts thereof, and executions when required under the hand of either of the said justices, and the seal of the said court.

Office of clerk abolished.

§ 10. The office of the clerk of the justices' court in and for the city of Troy is hereby abolished, but the person now holding the office of clerk of the justices' court of the city of Troy shall continue to hold his said office and discharge the duties thereof, and receive the salary therefor until the expiration of the term for which he was elected.

§ 11. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAP. 256.

AN ACT in relation to and reducing the number of justices of the peace, creating judicial districts and providing for local inferior courts in the city of Brooklyn.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City divided into three judicial districts.

SECTION 1. The city of Brooklyn is hereby divided into three judicial districts as follows: The first district shall embrace the territory now embraced in the first, second, fifth, sixth, eighth, tenth and twelfth wards. The second district shall embrace the territory now embraced in the third, fourth, seventh, ninth, eleventh, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth wards. The third district shall embrace the territory now em-

braced in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth wards.

When election of justices to be held.

§ 2. At the general election next preceding the expiration of the terms of office of the justices of the peace in the city of Brooklyn, chosen at the general election in eighteen hundred and seventy-nine, their successors shall be elected from the respective judicial districts hereby created by the electors of said districts respectively. The election of a justice of the peace to fill a vacancy shall be held in and by the electors of the judicial district as created by this act, within which such vacancy shall exist, at the next general election after such vacancy shall have occurred. The justices of the peace elected pursuant to the provisions of this act shall hold court within the respective judicial districts from which they are elected, except that in case any justice shall be absent or unable to hold court, any other justice of the peace in said city may, upon request of the justice or clerk of such court, hold court in his stead pending such absence or disability; and when so holding court, such justice shall have the same jurisdiction in all cases as the justice elected to such court, except that when any testimony shall have been taken he shall not try the matter at issue or render judgment therein.

When to fill vacancy.

Where justices to hold court.

A separate ballot box to be provided when justice is to be elected.

Ballots.

§ 3. It shall be the duty of the board of elections of the city of Brooklyn, whenever a justice of the peace is to be elected, pursuant to the provisions of this act, to provide, in each of the judicial districts, at every polling place therein, a separate ballot-box for the reception of the ballots for the said justices, which box shall be labeled "justice of the peace." Such ballots shall be in the form provided by law, and shall have thereon the designation "for justice of the peace," the number of the district for which the person to be elected is to serve, with the name of the person to be voted for, and shall be indorsed "justice of the peace," with the number of the judicial district.

Term of office of justices.

§ 4. The term of office of the justice of the peace to be elected, pursuant to the provisions of this act, shall be four years, and at the general election next preceding the expiration of their respective terms of office, and every four years thereafter, their successors shall be chosen in the manner herein provided. No justice of the peace, elected under the provisions of this act, and no police justice appointed, as hereinafter provided, shall receive any other fee or compensation than the salary provided by law for such justice.

Who eligible to office of justice.

§ 5. Any person shall be qualified and eligible for election to the said office of justice of the peace who shall, at the time of such election, be a resident and an elector in the judicial district within which such election is held; and no other person shall be thus eligible.

Civil actions, when to be brought.

§ 6. All civil actions brought before justices of the peace elected pursuant to the provisions of this act, except those brought by non-residents, must be brought in the judicial district in which either one of the plaintiffs or one of the defendants reside or in an adjoining district. All summary proceedings for the recovery of the possession of land must be brought in the judicial district in which the land, or a portion thereof, is situated, which is sought to be recovered, or in an adjoining district. The clerks of the respective courts are hereby required to collect and pay into the city treasury all fees in summary proceedings, keep a docket of all such cases, and report the same to the comptroller. All actions upon the charter or ordinances of the corporation of the city of Brooklyn, or of any department thereof, which shall be brought in a court of a justice of the peace or of a police justice, shall be brought in the judicial district in which the

Summary proceedings.

Clerks to collect and pay fees into city treasury.

offense is alleged to have been committed, or in an adjoining district.

Criminal warrants may be issued by justices, but must be returnable before police justice.

Any justice of the peace in said city may issue warrants for any alleged criminal offense within said city; but such warrants must be returnable before a justice of the peace or a police justice in the judicial district in which the offense is alleged to have been committed, or in an adjoining district. This section shall apply only to the justices and the courts held by justices elected or appointed pursuant to the provisions of this act.

Bastardy cases, etc., when to be brought.

§ 7. All proceedings brought by or on behalf of the county of Kings, in cases of abandonment or bastardy, may be brought before any justice of the peace or police justice in said city in the same manner as such cases are now entitled to be brought before justices of the peace in said city, and such justices shall have concurrent jurisdiction in such cases.

Courts, where and by whom to be held on and after May 1, 1881.

§ 8. On the first day of May, eighteen hundred and eighty-one, the justice of the peace chosen for the fourth district court, at the general election in eighteen hundred and seventy-nine, or his successor in case of vacancy, shall hold court in the first judicial district, at the city hall building, or such other place in the vicinity thereof as the common council may determine; the justice chosen at said election, for the third district court, or his successor, in case of vacancy, shall hold court in the second judicial district; the justice chosen at said election, for the fifth district court, or his successor, in case of vacancy, shall hold court in the third judicial district, and the said justices shall continue to hold such courts respectively until the expiration of their respective terms of office.

No justices to be elected, except, etc.

§ 9. There shall be no justices of the peace or police justice hereafter elected in the city of Brooklyn, except in the place of the justices of the peace chosen at the general election in eighteen hundred and seventy-nine, and their successors.

Police courts.

§ 10. From and after the first day of May, eighteen hundred and eighty-one, there shall be in the city of Brooklyn four local inferior courts, to be known as police courts. One of said courts shall be

Where to be held.

located at the city hall building, or at such other place in the vicinity thereof as the common council may determine; and one in each judicial district, at such place as the common council may determine. The justices of said police courts shall be designated police justices,

Jurisdiction of police justices.

and shall be appointed as hereinafter provided. They shall have the same powers and privileges, the same jurisdiction, perform the same duties, and be subject to the same laws as are applicable to the police

Salary of.

justice in said city at the passage of this act, and shall receive a salary at the rate of thirty-five hundred dollars per year.

Appointment of police justices.

§ 11. On or before the second Tuesday in July, eighteen hundred and eighty, the mayor, the comptroller and the auditor of the city of Brooklyn shall meet in the office of the comptroller, at twelve o'clock, noon, and shall, by a concurrent vote, proceed to appoint four police justices, and shall designate one of such police justices to hold court at or near the city hall, and one police justice to hold court in each

Id.

judicial district as created by this act. In case the said mayor, comptroller and auditor shall fail to agree within five days after a majority of them shall have first met for that purpose then the mayor shall appoint one, the comptroller shall appoint one, the auditor shall appoint one, and a majority of said mayor, comptroller and auditor shall appoint one of said police justices, and in that case a majority shall designate the courts to be held by such justices as above provided.

Vacancies, how filled.

They or a majority of them shall also appoint a police justice to fill

any vacancy which may occur. On the second Tuesday in July next preceding each expiration of the respective terms of office of police justices which term shall be four years, the mayor, comptroller and auditor shall proceed to appoint their successor in the same manner as herein provided for the first appointment of police justices. The said mayor, comptroller and auditor, or a majority of them, shall subscribe to duplicate certificates of each appointment of police justices, one of which certificates shall be filed in the office of the city clerk, and one in the office of the county clerk of Kings county. Each person so appointed shall, within twenty days after receiving notice of such appointment, take the oath of office and file a bond in the sum of twenty-five hundred dollars, to be approved by the comptroller, in the office of the city clerk, which shall be deemed an acceptance of such appointment.

Subsequent appointments.

Certificate of appointment.

Official oath and bond.

§ 12. The said police justices shall take office on the first day of May, eighteen hundred and eighty-one, and shall hold office until their successors are duly appointed and qualified. In case of a vacancy in the office of justice of the peace in said city, except that of the justices elected in eighteen hundred and seventy-nine, the vacancy shall be filled by the appointment of a police justice as herein provided.

Terms of office.

Vacancies, how filled.

§ 13. The board of police and excise shall cause all persons arrested by authority of that department, or by any of its officers, except upon a warrant issued by a justice of the peace, to be conveyed, in the manner now provided by law, to the most convenient police court for trial or examination according to law.

Arrested persons, where to be taken for trial, etc.

§ 14. From and after the passage of this act, the justices of the peace and police justices in said city shall each have sole power to appoint a clerk of their respective courts; also to appoint such other clerks, assistants, stenographers and interpreters as the common council may authorize. All such appointees to serve during the pleasure of said justices.

Clerks of police and justices' courts.

§ 15. This act shall take effect immediately.

CHAP. 257.

AN ACT to amend chapter three hundred and sixty-three of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the regrading and paving of Grand street from Union avenue to Bushwick avenue, in the city of Brooklyn, with Belgian pavement."

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and sixty-three of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the regrading and paving of Grand street, from Union avenue to Bushwick avenue, in the city of Brooklyn, with Belgian pavement," is hereby amended by adding thereto as section two, the following:

Chap. 363, Laws of 1878, amended.

§ 2. The said common council are authorized and directed to refund to all persons, or to the legal representatives of such, who have paid said assessment prior to the passage of the act hereby amended, the in-

Common council to refund interest and default.

terest and default which may have been charged to them and paid by them, provided a demand in writing is made thereof to the board of assessors of said city within sixty days from the passage of this act. And the common council shall place the amount necessary to liquidate the same in the general tax levy for the year eighteen hundred and eighty, which shall be in addition to the amount limited to be raised by tax annually in said city, and the comptroller of the city of Brooklyn is hereby directed to pay the same upon proper proof being furnished that the person claiming the same is entitled thereto.

Amount to be put in general tax levy.

§ 2. This act shall take effect immediately.

CHAP. 258.

AN ACT to reappropriate certain moneys in the treasury for the improvement of the Champlain canal and of the Glen's Falls feeder.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

The sum of $277,200.54, unexpended balance, reappropriated.

SECTION 1. The sum of two hundred and seventy-seven thousand two hundred dollars and fifty-four cents (being the unexpended balance of the sum of five hundred thousand dollars appropriated by chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-four, for the improvement of the Champlain canal, the unexpended balance of which was reappropriated by acts chapter one hundred and eighty-five of the laws of eighteen hundred and seventy-six, and chapter two hundred and two of the laws of eighteen hundred and seventy-eight), or so much thereof as shall remain unexpended on the passage of this act, is hereby reappropriated, to be expended, under the direction of the canal board, upon the recommendation of the superintendent of public works, in bottoming out the prism of said canal and of the Glen's Falls feeder, and raising and strengthening the banks thereof, so as to produce a uniform depth of six feet of water therein throughout its entire length, and for no other purpose whatever; provided, however, that the canal board shall have power, from time to time, to set aside a portion of the sum herein reappropriated, for widening and strengthening said prism at particular points where, in the opinion of the superintendent of public works and the State engineer, it shall be deemed necessary to secure the proper passage of loaded boats at such places or points, and such work may be done by the superintendent of public works in connection with the ordinary repairs and through the same agencies; and the canal board may also set aside a portion of the sum herein reappropriated for the rebuilding of locks and bridge abutments necessary to be rebuilt, in order to secure the benefits of the increased depth of water and width of prism, for which provision is made in this act. The maps, plans, estimates and specifications required by sections eight and nine of chapter three hundred and seventy-seven of the laws of eighteen hundred and fifty, to be made preparatory to the letting of canal contracts for the work contemplated by this act, may be based upon the surveys for the enlargement of the Champlain canal, which were made in the year eighteen hundred and seventy-four.

How to be expended.

Proviso.

When work may be done by superintendent of public works.

Maps, plans, etc.

The said sum herein reappropriated, or so much thereof as may not be required for immediate expenditure, may, from time to time, be invested by the commissioners of the canal fund in the revenue bonds of the comptroller; but when such bonds shall mature, the proceeds thereof and the interest thereon, when repaid into the treasury, shall revert to the original fund, to be applied and expended as hereinbefore provided. Sum not required may be invested by commissioners of canal fund.

§ 2. This act shall take effect immediately.

CHAP. 259.

AN ACT to secure the registration of the births of children of residents of the city of New York, and the births of children which failed to be recorded through the neglect of the physician or other medical attendant present at such birth, occurring during the temporary absence from such city of the parents of such children, and respecting transcripts of the records.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The births of the children of actual residents of the city of New York which may have occurred during the temporary absence of the parents of such children from the city of New York, and the births of children which failed to be recorded through the neglect of the physician or other medical attendant present at such birth, may be recorded under and pursuant to the provisions of this act in the bureau of vital statistics of the health department of said city, in a special book to be kept for such purpose, upon application in such behalf by the parents or guardians of such children. Transcripts of any record in the said bureau of vital statistics may be given, in the discretion of the board of health, to a parent or the next of kin to any person whose birth, death or marriage is there recorded, or to any one person authorized to apply for the same, but no transcripts of false or fraudulent returns made to the said bureau, nor of the entries thereof, shall be given; and they shall be canceled, upon due proof of the facts to the board of health. Record of certain births to be made in special registry. Transcripts.

§ 2. Such application shall be made to the board of health of the health department of such city, and shall be accompanied by a certificate of the physician or midwife attending professionally at such birth, and personally cognizant thereof, together with the affidavit of at least two citizens certifying to their knowledge of the facts, and that the physician or midwife making such certificate of birth is a reputable person in good standing in the community in which he or she may reside. No change or alteration shall at any time be made in any of the records of the said bureau of records in said city without proof satisfactory to and upon the approval of the said board of health. Application for registry, how to be made. Alterations not to be made except upon proof.

§ 3. This act shall take effect immediately.

CHAP. 260.

AN ACT to amend chapter thirty-six of the laws of eighteen hundred and sixty-two, entitled "An act to enable the electors of the town of Johnstown to vote by districts for town officers."

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 4, chap. 36, Laws of 1862, amended.

SECTION 1. Section four of chapter thirty-six of the laws of eighteen hundred and sixty-two, entitled "An act to enable the electors of the town of Johnstown to vote by districts for town officers," is hereby amended so as to read as follows:

Board of annual town meeting.

§ 4. The supervisor, town clerk and justices of the peace of the town of Johnstown shall constitute the board of the annual town meeting of the town of Johnstown, and shall be inspectors of annual and special town elections held in said town for the election of all town officers required by law to be elected by ballot.

§ 2. Section five of said act is hereby amended so as to read as follows:

Meeting to designate places at which town election shall be held.

§ 5. The board of such annual town meeting as aforesaid shall meet on the Tuesday preceding the annual town meeting in each year, and shall designate the house in each of the villages of Johnstown and Gloversville at which town elections shall be held during the year, and they shall thereupon give notice, written or printed, of the annual town election in said district, together with a list of all such town officers as are to be elected by ballot at such elections, to be posted in five public places in each district at least five days before the holding of such annual town elections, which election shall be the same day on which the annual town meeting is or shall be hereafter held.

§ 3. Section six of said act is hereby amended so as to read as follows:

Assignment of members to each district.

§ 6. The board of such annual town meeting shall also, at the meeting on the Tuesday preceding the annual town meeting in each year, assign and designate three of their number for each district to hold the election therein, and who shall be allowed to vote in the district where they shall be respectively assigned. And the said board may also, at said meeting, designate and appoint, not to exceed three, electors from each of said election districts, to act as inspectors of election in said districts, and said officers and persons so appointed shall constitute the board of inspectors in each district. A certificate specifying the officers and persons thus assigned and designated for each district shall be signed by the board and filed in the office of the town clerk immediately.

Inspectors of election.

§ 4. Section seven of said act is hereby amended so as to read as follows:

Vacancies.

§ 7. In case of a vacancy in the board of inspectors in any election district in said town, or of the absence or inability of any town officer or elector assigned and designated as aforesaid to act as inspector at any election, the inspector or inspectors who may be present are hereby authorized to fill all such vacancies by appointment from among the electors of such district for the time being, who shall take the oath of office as hereinafter provided.

§ 5. This act shall take effect immediately.

CHAP. 261.

AN ACT to amend chapter six hundred and thirty-nine of the laws of eighteen hundred and sixty-eight, entitled "An act to amend the act incorporating the village of Phœnix, in the county of Oswego."

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of title four of chapter six hundred and thirty-nine of the laws of eighteen hundred and sixty-eight, entitled "An act to amend the act incorporating the village of Phœnix, in the county of Oswego," is hereby amended so as to read as follows: Sec. 4, title 4, chap. 639, Laws of 1868, amended.

§ 4. The police justice within said village shall possess the same powers and jurisdiction in all criminal cases and be subject to the same duties and liabilities and shall collect the same fees as justices of the peace in the town of Schroeppel; he shall keep his office in said village and hear all complaints, hold courts of special sessions, and conduct other criminal business as is now or may, by law, be done by a justice of the peace of the town of Schroeppel; the police justice shall be a commissioner of deeds for the county of Oswego, and possess the same powers as commissioners of deeds in the several cities of this State; he shall not be required to account to the board of trustees for any fees which he may receive for services done as commissioner of deeds. Jurisdiction of police justice. Commissioner of deeds.

§ 2. This act shall take effect immediately.

CHAP. 262.

AN ACT in relation to the village of Potsdam.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Potsdam are authorized and empowered to appoint for such term and at such rate of compensation as they shall, at the time of such appointment, specify, such policemen as they shall deem necessary to protect property, maintain order and carry out and enforce the provisions of the charter of said village and the by-laws made thereunder. Every policeman so appointed shall, within the boundaries of said village, have the same power and authority to arrest and hold in custody any person committing an offense or misdemeanor, or willfully violating any by-law of said village as is by law possessed by town constables in relation to persons committing crimes or misdemeanors. Trustees may appoint policemen and fix their compensation. Powers of.

§ 2. The legal voters of said village may, at any annual meeting or at any special meeting duly called for that purpose, direct and require that any portion of any fund authorized by law to be raised by tax for any of the purposes or uses of said village, for the then current or the ensuing year, or both of such years, shall be used for, and applied to, Voters may require tax to be used for purpose of drainage.

the purposes of drainage and sewers and drains for said village, and the trustees of said village shall comply with and carry out such direction and requirement.

§ 3. This act shall take effect immediately.

CHAP. 263.

AN ACT for the protection of corporations organized for generating and distributing steam for heating and other purposes.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Persons who, with intent to injure, shall alter, etc., action of any meter, shall be guilty of misdemeanor.

SECTION 1. Any person who, with intent to injure or defraud any coporation organized under the laws of this State for the purpose of generating, supplying or distributing steam for heating or other purposes, shall willfully injure, alter, obstruct or prevent the action of any meter or other device provided for the purpose of measuring and registering the quantity of steam consumed, or the quantity of water resulting from condensation of steam consumed, or cause or procure any such meter or other device to be injured or altered, or the action thereof to be obstructed or prevented, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Punishment.

Persons who, with intent to injure, shall connect pipe so as to use steam without its passing through meter, guilty of misdemeanor.

§ 2. Any person who, with intent to injure or defraud any corporation organized under the laws of this State for the purposes aforesaid, shall connect, or cause to be connected, any pipe, tube or other instrument or contrivance with any main, service pipe or other pipe for conducting or supplying steam in such manner as to connect with and be calculated to supply steam for heating, for moving machinery or for any other purpose or use without such steam passing through the meter or other device provided for the measuring and registering the quantity of steam consumed, or the quantity of water resulting from condensation of such steam consumed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Punishment.

Other injuries and acts subjecting offender to penalty

§ 3. Every person who shall willfully or fraudulently injure, or suffer to be injured, and every corporation or association whose officer or agent shall willfully or fraudulently injure, or suffer to be injured, any meter, device, pipe or fitting belonging to any corporation organized under the laws of this State for the purposes aforesaid, or prevent such meter or device from duly registering the quantity of steam consumed, or the quantity of water resulting from the condensation of steam consumed; or shall alter the index of any such meter or device, or in any manner or way interfere with or hinder or obstruct its proper action or just registration, or shall fraudulently consume or waste the steam of said corporation, shall for each and every such offense forfeit and pay to such corporation the sum of twenty-five dollars, and shall also be liable to such corporation in a civil action for the damages sustained by reason of such offense.

Amount.

Agreement as to entry of buildings to examine meters, etc.

§ 4. Any corporation organized under the laws of this State for the purposes aforesaid may make an agreement with any of its customers by which any officer or agent of such corporation, duly authorized in writing, signed by the president or secretary of said corporation, shall be authorized at all reasonable times to enter any dwelling, store, building, room or places supplied with steam by such corporation and occupied by said customer for the purpose of inspecting and examining the meters, devices, pipes, fittings, and appliances for supplying or regulating the supply of steam, and for ascertaining the quantity of steam consumed, or the quantity of water resulting from the condensation of steam consumed. Every such agreement so made in writing shall further provide that such officer or agent shall exhibit his written authority if requested by the occupant of such dwelling, store, building, room or place. Any person who shall directly or indirectly prevent or hinder such officer or agent from entering such dwelling, store, building, room or place, or from making such inspection or examination, in violation of his agreement with said corporation, shall forfeit and pay to the corporation the sum of twenty-five dollars for each offense.

Must provide that agent shall show written authority.

Steam may be cut off on failure to pay for same.

§ 5. If any person or persons, corporation or association, supplied with steam by such corporation organized under the laws of this State for the purposes aforesaid, shall neglect or refuse to pay the rent or remuneration for such steam, or for the meter, device, pipes, fittings or appliances, let by such corporation for supplying steam, or for ascertaining the quantity of steam consumed, or the quantity of water resulting from the condensation of the steam consumed, agreed upon or due for the same, as required by his, their or its contract with such corporation, the latter may thereupon stop and prevent the steam from entering the premises of such person, persons, corporation or association so neglecting or refusing to pay such rent or remuneration. The said corporation may also in any of the cases enumerated in this act in which a person is liable to pay a forfeiture or is liable to fine or imprisonment, or both such fine and imprisonment, stop and prevent the steam from entering the premises of the person so liable, or if such person be an officer or agent of any corporation or association, stop and prevent the steam from entering the premises of the corporation or association of which the person so liable is an officer or agent. In all cases in which such corporation is authorized to stop and prevent the steam from entering any premises, it may by its officers, agents or workmen, enter into or on such premises between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, and cut off, disconnect, separate, and carry away any meter, device, pipe, fitting or other property of the said corporation; and may cut off, disconnect, and separate any meter, device, pipe or fitting, whether the property of the corporation or not, from the mains or pipes of said corporation.

Steam may be cut off on failure to pay penalty, etc.

Time of entry.

A felony to seek to enter building by falsely personating officer, etc., of corporation.

§ 6. Any person who shall falsely personate or represent himself to be the officer, agent or workman of any such corporation, and by such false personation or representation shall seek to enter any dwelling, store, building, room or place shall, on conviction thereof, be deemed guilty of felony, and imprisoned at hard labor in the State prison for a term not exceeding five years.

§ 7. This act shall take effect immediately.

CHAP. 264.

AN ACT to authorize the Buffalo City Cemetery Association to acquire additional land and to erect a building for office purposes.

PASSED May 12, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Association may acquire additional lands.

SECTION 1. The Buffalo City Cemetery Association, of the city of Buffalo, is authorized to acquire by gift, grant or devise, in addition to the lands it now holds and is now authorized to hold, such other lands in the city of Buffalo as its board of trustees may deem proper, not exceeding six thousand square feet of surface, using any of its funds for that purpose, and may erect thereon a building for office purposes; and said cemetery association is authorized to erect such building; and in case it shall not need the whole of said building for its own use, it may let the portions not needed by it to others; but all of the net income derived therefrom shall be used for repairs, taxes, and the care thereof, and for the purposes provided for by section seven of chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery associations," as the same is amended.

May erect building for office, etc.

§ 2. This act shall take effect immediately.

CHAP. 265.

AN ACT to enable the respective towns in the county of Rensselaer to reduce the number of its town officers.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Electors may determine, by ballot, whether to have one or three commissioners of highways.

SECTION 1. The electors of each town, in the county of Rensselaer, having two or more commissioners of highways, shall have power, at their annual town meeting, or at any special town meeting called for that purpose, to determine, by ballot, whether they will choose one or three commissioners of highways for their respective towns, and such vote shall be decisive until otherwise changed by a majority of all the votes cast at any annual town meeting; and in case any such town shall decide to have but one commissioner of highways, the term of office of such commissioner shall be but one year, and he shall be elected annually and hold his office until his successor be elected or appointed; and when such electors shall determine to have but one commissioner of highways, no other commissioner shall be elected or appointed until the term or terms of those in office at the time of such determination shall expire or become vacant, and they shall have the power to act until their terms shall severally become vacant or expire as fully as if the three had continued in office.

As to overseers of poor.

§ 2. The electors in each town in said county shall also have power, at their annual town meeting, or at any special town meeting called for that purpose, to determine, by ballot, whether they will choose one or

two overseers of the poor for their respective towns, and such vote so made shall be decisive until otherwise changed by a majority of the votes cast at any annual town meeting of said town.

§ 3. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 266.

AN ACT to amend chapter seven hundred and sixty-three of the laws of eighteen hundred and seventy-two, entitled "An act to amend the charter of the village of Saratoga Springs."

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter seven hundred and sixty-three of the laws of eighteen hundred and seventy-two, entitled "An act to amend the charter of the village of Saratoga Springs," is hereby amended to read as follows:

Sec. 5, chap. 763, Laws of 1872, amended.

§ 5. It shall be the duty of the commissioners and their successors to take upon themselves the duties of their office; to take into their control and management the water-works of said village, including the property, taxes, rents and income thereof; to manage and control the repairs, alterations and use thereof, and to use all reasonable precaution for the preservation and security thereof, and to make and publish rules and regulations for the control and management thereof. The said commissioners shall have the same power in relation to, and control of, said water-works and property, and rents, taxes, receipts and income thereof as is now possessed by the board of trustees of said village, and by the present water commissioners, and the power to fix, regulate and establish the rents, taxes and assessments to be paid by the inhabitants of said village, and others holding, owning or occupying lots or lands therein with buildings thereon, or owning real estate in said village or lots without buildings thereon, for and on account of said water-works, water or the use of water, and to determine who shall pay and be liable to pay the same, and to levy and collect the same, as herein provided, provided said rents, taxes and assessments shall be apportioned, as near as may be, to the different classes of buildings, lots and lands, with reference to the character, dimensions, use, value, occupancy and location thereof, and provided, further, that said buildings, lots and lands shall be situated upon streets along which water pipes are laid or accessible thereto. And it shall be the duty of said commissioners annually and prior to June first in each year, to make a list of all persons, firms and corporations, with the taxes, rates and charges each is assessed or required to pay, stating the times, and when payable, and to give immediate notice in one or more of the village papers, of the completion of said list, and that they will meet on the third Wednesday of June then next following to hear grievances, at which time, or as soon thereafter as they shall be able to do so, they may increase or reduce such of said rates and assessments, as they shall deem right and just, and they may add the name

Duty of commissioners of water works.

To have same power as is now possessed by board of trustees.

To make list annually, prior to June 1, of persons and water rates.

Certified copy of completed list to be filed with receiver of taxes and notice to be given.

Collection of water rates.

Amount collected to be deposited to credit of water department.

of any person, firm or corporation that may have been omitted. After such list in any year shall have been completed, a certified copy of the same shall be filed with the receiver of taxes and assessments of said village who shall give immediate notice thereof by the posting of notices; and that he will, for a period of thirty days, receive the amounts due thereon, without additional charge, which he is hereby directed to do. After the expiration of the said thirty days the said receiver shall proceed to collect the amount unpaid upon said list, in the same manner as other taxes are collected, and five per centum in addition thereto, and shall have the same power to enforce payment by sale or otherwise, as for other taxes, and the same shall be a lien upon real estate as are other taxes. The amount thus collected by said receiver shall be deposited by him to the credit of the water department in his bank account, and paid out by his checks in liquidation of claims and indebtedness contracted by said board of water commissioners after they shall have been duly audited by the board of village auditors. So much of the aforesaid water funds, as is collected to meet maturing village water bonds and the coupons thereof, shall be paid by said receiver directly to the owners or holders thereof.

§ 2. Section nine of said act is hereby amended so as to read as follows:

Commissioners not to receive compensation.

§ 9. The said commissioners shall receive no compensation for their services, but shall be entitled to their necessary and reasonable expenses incurred in the discharge of their duties. They shall give bonds for the faithful discharge of the duties of their office, in the sum of one thousand dollars each, with two or more sureties, to be approved by the board of trustees of said village.

§ 3. All acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 267.

AN ACT authorizing individuals, joint-stock associations or corporations engaged in the manufacture of railroad cars, to lay down and maintain railroad tracks connecting their manufacturing establishments with existing railroads.

PASSED May 12, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Individuals and corporations may lay track to connect their manufactories with railroads.

Proviso as to consent of owner.

Proceedings in case of non-consent.

SECTION 1. Any individual, joint-stock association or corporation now or hereafter engaged in the manufacture of railroad cars in this State may lay down and maintain such railroad tracks, not exceeding one mile in length, as shall be necessary to connect such manufacturing establishment with the tracks of any railroad now or hereafter operated in this State; provided they shall obtain the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained; or in case the consent of such property owners cannot be obtained, the general term of the supreme court in the district in which it is proposed to be constructed may, upon application, appoint three commissioners, who shall determine, after a

hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

§ 2. The provisions of this act shall not apply to the counties of New York and Kings. Not to apply to New York and Kings.

§ 3. This act shall take effect immediately.

CHAP. 268.

AN ACT to amend chapter four hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Hamilton, in the county of Madison, and to repeal its present charter," as amended by chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-seven.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of chapter four hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Hamilton and to repeal its present charter," as amended by chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-seven, is hereby amended so as to read as follows: Sec. 2, chap. 435, Laws of 1868, amended.

§ 2. At each annual election under this act there shall be elected by ballot by the electors residing in said village, and qualified to vote at town meetings, a president, two assessors, a treasurer, a clerk, a street commissioner, a collector and two fire wardens who shall hold their offices for one year and until their successors are elected and duly qualified. At the next election under this act there shall, in like manner, be elected two trustees who shall hold their offices for three years. At the next subsequent election there shall be elected two trustees who shall hold their offices for three years and two trustees who shall hold their offices for one year. And there shall be at each annual election thereafter two trustees elected to hold their offices for three years, and such other trustees at each previous and subsequent elections as may be necessary to fill any vacancy or vacancies which may have occurred. The electors shall designate, on their ballots at said elections, the persons who are to hold their offices for said short terms, and also the persons, if any, who are to fill vacancies. The board of trustees shall thereafter consist of six trustees. No person shall be elected or appointed to any office in said village unless he be a resident and a voter therein; and whenever any person elected or appointed shall cease to be a resident of said village, his office shall thereupon become vacant. Any trustee who shall be absent from three consecutive regular stated meetings of the board may have his office declared vacant by the acting quorum of the board, and his place may be filled by appointment. It shall be the duty of the board of trustees, immediately upon their election and qualification as such board, to appoint a chief engineer and one or more assistant engineers of the fire department, and may, from time to time, appoint one pound-master and special agents when they Officers to be elected at annual election. Trustees, election and terms of office of. Number of. Qualification of officers. When office of trustee may be declared vacant. Chief engineer and assistants.

Pound master, etc.

deem it advisable so to do, and such other officers and agents as are in and by this act authorized and provided for; and such officers and agents so appointed, except appointees to fill vacancies in elective offices, shall hold their offices during the pleasure of the board of trustees; but no person shall hold more than one office at the same time, under this act, either by election or appointment, except the president or any of the trustees may be eligible to the office of street commissioner.

No person to hold more than one office at a time.

§ 2. The tenth section of said act is hereby amended so as to read as follows:

Officers to hold over till successors are appointed.

§ 10. All officers elected or appointed to fill vacancies under this act shall hold their respective offices, unless sooner removed or disqualified, or their resignation accepted, until their successors shall be elected or appointed and qualified.

§ 3. The second subdivision of section nineteen of said act is hereby amended so as to read as follows:

Trustees to prescribe duties, etc., of certain officers.

2. To prescribe and define the powers and duties of the officers and agents of said village, whose powers and duties are not specially defined by this act, to fix and determine the compensation of said agents, of the clerk, fire wardens, street commissioner, assessors and policemen.

§ 4. The twenty-ninth subdivision of section nineteen of said act is hereby amended so as to read as follows:

Special policemen.

29. To appoint, in writing, under their hands, special policemen, upon such occasions and for such time or times as shall be deemed necessary by them, which policemen shall have, for the time for which they are appointed, all the powers possessed by policemen of the cities in this State.

§ 5. The twenty-second section of said act is hereby amended so as to read as follows:

Village exempt from control of commissioners of highways of town.

§ 22. The said village shall be exempt from the jurisdiction and control of the commissioners of highways of the town of Hamilton aforesaid, except as herein specially provided in respect to the bridges therein; and the said village is hereby declared a separate road district. The trustees of said village shall be commissioners of highways within the corporate bounds of said village; and the jurisdiction of the overseers and commissioners of highways of the town of Hamilton, within the limits of said village, and over the taxable inhabitants, corporations and banking associations and property, and the taxes liable to be levied on the same, or any of them, or any part thereof, except as to the bridges therein, is hereby entirely abrogated; but the cost, expense and damage required to repair or construct the bridges within the corporate bounds of said village, or in any other portion of said town, shall be raised in the same manner as other town expenses upon the whole town. Such portions of the money raised by the town of Hamilton for the purpose of repairing or constructing bridges in said town as shall be judged necessary by the commissioners of highways of said town to repair or construct the bridges in said village, shall be paid by them to the trustees of said village, to be used and expended by said trustees in the repair or construction of the bridges in said village; and the commissioners of highways of said town shall have no control or jurisdiction over the bridges in said village, except as may enable them to determine the amount proper to be expended in the repair or construction of the bridges in said village.

Trustees to be commissioners.

Jurisdiction of.

Portion of money raised in town for bridges, to be paid to trustees.

§ 6. Section twenty-five of said act, as amended by chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-seven, is hereby amended so as to read as follows:

§ 25. The trustees shall, immediately after such list shall have been furnished by the street commissioner, together with the assessment roll, which shall be completed and delivered by the village assessors on or before the fifteenth day of April in each year, determine the amount of money which they shall deem necessary to defray the expenses, upon making the streets, crosswalks, walks in the parks, sewers, ditches and sluices in said village, and repair, keep in repair the same for the ensuing year, and they shall then proceed to apportion such sum among the persons and property liable to pay the same as follows: Every male resident of said village being above the age of twenty-one years, except such male residents as may belong to and are active members of a fire engine, hose, hook and ladder or other company, formed and maintained for the purpose of extinguishing fires, shall be assessed the sum of one dollar as a poll tax; the residue of such sum shall be apportioned upon the estate, real and personal, of every inhabitant of said village, and every corporation therein, and every stockholder holding or owning stock in any banking association therein, or upon the stock thereof according to law; and land of which there is no occupant or owner residing in said village, excepting the real and personal estate of any religious society therein, and the property belonging to the school district therein, and the property belonging to said village, and except such portion of the property which by any law of the State is exempt, owned by any minister of the gospel settled as pastor over any church or society; which highway tax list shall be completed and placed in the hands of the village collector on or before the first Monday of May in each year.

Trustees to determine amount to be raised for streets, etc.

To apportion same among persons and property liable.

Poll tax.

Property exempt from tax.

§ 7. The twenty-sixth section of said act, as amended by chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-seven, is hereby amended so as to read as follows:

§ 26. To raise the highway tax provided for in the preceding sections, the trustees shall first cause a roll of all the persons and corporations, persons owning stock therein, and the stock thereof, stockholders and stock of any banking association therein, and non-resident lands liable to be assessed for such tax to be made, together with the valuation of their real and personal estate, with columns prepared for the insertion of the poll tax, and for the taxes upon said real and personal estate; they shall then cause to be inserted in such roll the poll taxes imposed upon the persons liable therefor; they shall then apportion the residue of the amount to be raised among the several persons and corporations, and upon the non-resident lands named in said roll, in proportion to the amount of real and personal estate assessed to each respectively. They shall annex to such roll a warrant directed to the collector of the corporation, commanding him to collect the amount of such assessment in money, in the same manner as other taxes of the village are collected, and pay the same to the treasurer of said village. In case any of the said taxes shall not be collected, the collector, at the expiration of the time mentioned in the warrant, shall make the same return to the said trustees as is provided in this act in regard to other uncollected taxes, and the same proceedings shall be had for the collection thereof as hereinafter authorized for the collection of other uncollected village taxes. The money so raised shall be expended by the street commissioner, under the direction of the trustees, in making and keeping in repair the streets and crosswalks, sewers, ditches and sluices, and in clearing snow, ice or slush, or improper substance from the crosswalks in said village.

Assessment roll of property for highway tax, how to be made.

Tax warrant.

Return of uncollected taxes.

Money raised, how to be expended.

§ 8. Section twenty-nine of said act is hereby amended so as to read as follows:

Grading, paving, etc., of streets, etc.

§ 29. The trustees shall have power, in their discretion, to authorize and require the grading, paving, flagging, curbing, guttering, sewering, reconstructing and repairing of the whole or any part of the sidewalks of any street or alley in said village, as they shall think proper, and according to the grade which they shall establish, and to cause any street, highway or alley in said village, either to be graded, graveled or stoned, and to compel the owner or owners of any lands or lots adjoining such street, highway, alley, or sidewalk, to make such sidewalk in front of the lands or lots of such owner or owners respectively.

Proceedings in case proposed change will injure freehold.

But whenever it shall be proposed by said trustees to cut down or grade any sidewalk or street, or in any other manner substantially alter or change the freehold of the owner or owners of any lot or premises adjacent to such street or sidewalk, to the injury of the freehold of the owner or owners of said premises, the trustees shall give to the owner or owners, or occupant or occupants of such premises or adjacent lot, written notice of the proposed acts in reference to said street or sidewalk, specifying said proposed acts with the time and place where they will meet to hear the said owner or owners, or other persons interested in relation thereto; which notice shall be personally served at least ten days before the hearing. Upon such hearing the trustees shall, if they determine that said proposed acts are necessary and proper, appraise the damage to said owner or owners by reason of said proposed acts; and the said damage shall be paid by said trustees to said owner or owners out of the highway fund, provided said damage does not exceed the sum of fifty dollars, but whenever such estimated damage shall exceed the sum of fifty dollars, said trustees shall thereupon call a special meeting of the inhabitants for the purpose of voting a tax to pay the said damages so appraised by said trustees, and until the amount so appraised by said trustees shall be paid, either by the collection of a tax for that purpose, duly voted, or by voluntary contributions of the citizens, said proposed acts shall not be done by said trustees, or by them in any manner caused to be done.

Trustees to appraise damage to owners and pay same out of highway fund, if they do not exceed $50.

If in excess of $50, special meeting to be called.

§ 9. Section thirty of said act, as amended by chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-seven, is hereby amended so as to read as follows:

Resolutions for improvement of side walks must specify width, materials, etc., and be served on owners, etc.

§ 30. The board of trustees, in their resolution requiring any such improvement of the sidewalks, shall specify with what material, what width and in what manner and within what time they require the same to be done, and cause to be served at least thirty days before the expiration of the time therein specified for such performance (save and except their resolution requiring repairs of a sidewalk, in which case they shall cause to be served at least three days before the expiration of the time therein specified for such performance) upon the owners of the lands adjoining such sidewalks residing in said village, a copy of such resolution, personally, or by leaving the same at the place of business or residence of such owner or occupant, with a person of suitable age. In case any such land is unoccupied and the owner is a non-resident, such service may be made by depositing a copy of such resolution in the post-office, the postage thereon prepaid, properly inclosed and directed to such owner at his place of residence, if known, but if the residence of such owner is not known, then by affixing the same upon a conspicuous part of said premises. Service aforesaid upon any one of several owners of any such land or premises shall be deemed service upon all. In case the improvement, so required, or

When service may be made by mail.

any part of the same, shall not be completed within the time limited, the trustees shall have power to complete the same, and affidavits of the service of said resolution, of said default and of the amount of expenses incurred in completing the same shall be filed with the clerk of the village, and the expense of so doing shall be a charge against the owners respectively, and a lien upon said real estate, to be enforced and collected by sale as taxes and assessments of said village are authorized and collected, with interest and costs. When trustees may complete improvement.

§ 10. Section thirty-first of said act is hereby amended so as to read as follows:

§ 31. The trustees, when so directed by a vote taken at any annual or special meeting of said corporation, shall have power to lay out, open, widen, extend, alter or discontinue any street or highway in said village, and may lay the same through any lands, garden, orchard or elsewhere, and take and appropriate the lands necessary for such improvement. And it shall be the duty of said trustees, when thus directed by a vote of the corporation, to direct and regulate the laying out, opening, widening, extending or altering the same, and the making and grading the same, or of discontinuing the same, but the trustees as commissioners of highways shall have power to remove any encroachment upon any established highway, and to restore it to its original or legal width as named in the survey; and they shall have the power to cause a resurvey of any established highway, correcting erroneous surveys, if any, and the said resurvey shall be filed in the office of the clerk of the village, and shall be considered the true survey of the road, and any such act of said trustees shall not be considered as laying out, opening, extending, widening or discontinuing any street in said village, in the meaning of this act. Laying out, opening, etc., of streets. Encroachments upon. Resurvey of established highway.

§ 11. Section forty-second of said act is hereby amended so as to read as follows:

§ 42. Whenever the inhabitants of said village, by a vote taken as hereinbefore prescribed, shall have directed the raising of any sum or sums of money by tax, the assessors of said village shall, within such time as the trustees shall have directed, make out a tax list thereof, in which they shall insert the names of all the taxable inhabitants and corporations, and all stockholders, holding or owning stock in any banking association therein, or the stock thereof, according to law in said village, and the names as far as they can be ascertained of non-residents, who shall own real estate or personal property situate therein, the quantity of the real estate situate in said village, and the value of the real and personal property of the inhabitants and corporations, and all stockholders holding or owning stock in any banking association therein, or the stock thereof, according to law of said village, and the description, quantity and value of the taxable real estate situate therein belonging to such non-residents, and they shall apportion the sum or sums to be raised by such tax on such inhabitants and corporations, and all stockholders holding or owning stock in any banking association therein, or the stock thereof, according to law, and non-residents in due proportion to the valuation of such property, and the relative advantages to be derived by the person so taxed. Assessors to make tax list. What to contain.

§ 12. This act shall take effect immediately.

CHAP. 269.

AN ACT to provide for the review and correction of illegal, erroneous or unequal assessments.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Writ of certiorari to review assessments.

SECTION 1. A writ of certiorari may be allowed by the supreme court on the petition, duly verified, of any person or corporation assessed and claiming to be aggrieved, to review an assessment of real or personal property for the purpose of taxation made in any town, ward, village or city of this State, when the petition shall set forth that the assessment is illegal, specifying the grounds of the alleged illegality, or is erroneous by reason of over valuation, or is unequal in that the assessment has been made at a higher proportionate valuation than other real or personal property on the same roll by the same officers, and that the petitioner is or will be injured by such alleged illegal, erroneous or unequal assessment. When the alleged illegality, error or inequality affects several persons in the same manner who are assessed upon the same roll, they may unite in the same petition, and in that case the writ may be allowed, and the proceedings authorized by this act had in behalf of all such petitioners.

Who may unite in petition.

By whom to be allowed.

§ 2. Such writ shall only be allowed by a justice of the supreme court in the judicial district or at a special term of the court in the judicial district in which the assessment complained of was made, and shall be made returnable at a special term in said district. The writ shall not be granted unless application therefor shall be made within fifteen days after the completion and delivery of the assessment roll, and notice thereof given as provided in this act. A writ of certiorari allowed under this act shall not stay the proceedings of the assessors or other officers to whom it is directed, or to whom the assessment roll may be delivered to be acted upon according to law.

When application must be made.

Not to stay proceedings.

When to be returnable.

§ 3. The court or justice granting the writ shall prescribe in the writ the time within which a return thereto must be made, which shall not be less than ten days, and may extend such time. The assessors or other officers making a return to such writ shall not be required to return the original assessment roll or other original papers acted on by them, but it shall be sufficient to return certified or sworn copies of the roll or other papers, or of such portions thereof as may be called for by such writ. And the return may concisely set forth such other facts as may be pertinent and material to show the value of the property assessed on the roll, and the grounds for the valuation made by the assessing officers, and the return must be verified.

Original roll need not be returned.

Return to state facts.

Power of court on hearing.

§ 4. If it shall appear by the return to such writ that the assessment complained of is illegal, erroneous or unequal for any of the reasons alleged in the petition, the court shall have power to order such assessment, if illegal, to be stricken from the roll, or if erroneous or unequal, to order a re-assessment of the property of the petitioner, or the correction of such assessment, in whole or in part, in such manner as shall be in accordance with law, or as shall make it conform to the valuations and assessments applied to other real or personal property in the same roll, and secure equality of assessment. If, upon the hearing, it shall appear to the court that tes-

timony is necessary for the proper disposition of the matter, the court may take evidence or may appoint a referee to take such evidence as the court may direct, and report the same to the court, and such testimony shall constitute a part of the proceedings upon which the determination of the court shall be made. When referee to be appointed to take evidence.

§ 5. A new assessment, or correction of an assessment made by order of the court, shall have the same force and effect as if it had been so made by the proper assessing officers within the time originally prescribed by law for making such assessment. Disobedience to a writ or order in any proceeding under this act may be punished by the court as for a contempt. Effect and force of new assessment.

§ 6. Costs shall not be allowed against assessors or other officers whose proceedings may be reviewed under this act, unless it shall appear to the court that they acted with gross negligence, in bad faith, or with malice. If the writ shall be quashed, or the prayer of the petitioner denied, costs shall be awarded against the petitioner, but the costs shall not in any case exceed the costs and disbursements taxable in an action upon the trial of an issue of fact in the supreme court. Costs.

§ 7. Appeal may be taken by either party from an order, judgment or determination under this act as from an order, and shall be heard and determined in like manner. All issues and appeals in any proceedings instituted under this act shall have preference over all other civil actions and proceedings in all courts. Appeal.

§ 8. If final judgment shall not be given in time to enable the assessors or other officers to make a new or corrected assessment for the use of the board of supervisors at their annual session, and it shall appear from said judgment that said assessment was illegal, erroneous or unequal, then there shall be audited and allowed to the petitioner, and included in the next year's tax levy of said town, village or city, and paid to the petitioner the amount, with interest thereon, from the date of payment, in excess of what the tax should have been as determined by such judgment or order of the court. If assessmen illegal, etc., allowance to petitioner.

§ 9. All assessment rolls, when finally completed and verified by the assessors, shall, in towns, on or before the first day of September, and in incorporated villages and cities at the time prescribed by their respective charters or laws applicable to them, be delivered to the town, village or city clerk, or other officer, to whom such rolls are or may be required by law to be delivered, and there to remain with such clerk or other officer for a period of fifteen days for public inspection. The assessors or other officers who complete and verify the assessment roll shall, after they have delivered the same to the said town, village or city clerk or other officer, forthwith give public notice by posting the same in at least three of the most public places in said town, village or city, or by publishing the same in one or more newspapers published therein, that such assessment roll has been finally completed, the officer to whom the same has been delivered and the place where the same will be open to public inspection. The fifteen days from which to complete the time within which the application for the writ of certiorari can be made under this act shall be the time when said public notice is first given. Assessment rolls to be delivered to clerk, etc. Assessors to publish notice of completion of roll, etc. Computation of time.

§ 10. This act shall not be construed to repeal or abridge any other right or remedy given to review an assessment by any law applicable to any city or incorporated village, or by the charters thereof. Act, how to be construed.

CHAP. 270.

AN ACT to establish the compensation of the county judge and of the surrogate of the county of Orange.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Salaries. SECTION 1. The annual salaries of the county judge and of the surrogate in the county of Orange, from and after the expiration of the respective terms of the present incumbents, are hereby established, as follows: The salary of the county judge of the county of Orange is hereby fixed at the sum of fifteen hundred dollars. The salary of the surrogate of the county of Orange is hereby fixed at the sum of twenty-five hundred dollars.

County judge.

Surrogate.

§ 2. This act shall take effect immediately.

CHAP. 271.

AN ACT to amend chapter five hundred and nineteen of the laws of eighteen hundred and seventy, entitled "An act to amend the charter of the city of Buffalo."

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title 13, chap. 519, Laws of 1870, amended. SECTION 1. Title thirteen of chapter five hundred and nineteen of the laws of eighteen hundred and seventy, entitled "An act to amend the charter of the city of Buffalo," passed April twenty-eighth, eighteen hundred and seventy, is hereby amended so as to read as follows:

Fire department. § 1. The city of Buffalo has power to establish, maintain and regulate a fire department, and to purchase or take lands, erect buildings, buy engines or other apparatus for extinguishing fires, and to take all measures, and to do all acts for the prevention and extinguishment of fires.

Board of fire commissioners. § 2. On the first Monday of June, eighteen hundred and eighty, or as soon thereafter as practicable, the mayor shall appoint three citizens, freeholders of the city, who shall constitute a board of fire commissioners, and their respective term of office shall be determined by drawing lots for two of such commissioners by the city clerk of the city of Buffalo, of two of three lots marked four, five and six, and the terms of the officers appointed for whom such lots shall be drawn shall be for four, five and six years, according to the numbers drawn, and the number not drawn shall be the term of office of the other commissioner. The said city clerk shall give said commissioners at least one day's notice of the time and place of such drawing, and shall make a certificate showing the result thereof, and file the same in his office.

Terms of office to be determined by lot.

One commissioner to be appointed, each year, by mayor. § 3. On the first Monday of January, eighteen hundred and eighty-four, and on the first Monday of January in every year thereafter, in which the term of office of a commissioner shall expire, or as soon thereafter as practicable, the mayor shall appoint one commissioner,

whose term of office shall be six years. The commissioners shall serve as members of said board, at a salary to each of five dollars per day for each meeting attended by them respectively, such salary not to exceed five hundred dollars per year, and in case of any vacancy occurring in said board for any reason, the mayor shall fill the same by special appointment for the unexpired term. Two members of the board shall constitute a quorum for the transaction of business. Salary.

§ 4. The said board shall organize as soon after their appointment as practicable, and shall elect a chairman, and hold regular meetings at least twice each month, and oftener, if deemed necessary by the chairman, who may call a special meeting at any time. A majority of the members of said board shall be necessary to order the expenditure of money, or to make any contract, and the vote upon the same shall be taken by yeas and nays, and entered upon the minutes. They shall cause an accurate record of all their proceedings to be made, which shall be received as evidence when certified to by the secretary, who shall be appointed by the board, and shall receive compensation not to exceed one thousand dollars per year as fixed by said board. They shall have power to make such rules and regulations for the government of the department as may be found necessary from time to time, which shall have the force and effect of ordinances, when approved by the common council. Organization, meeting, etc. Record of proceedings. Rules.

§ 5. The said board shall have the sole control of the fire department, the supervision and the management thereof, including the fire alarm telegraph. They shall, from time to time, report to the common council the condition of the department, and recommend measures which, in their judgment, will increase its efficiency. They shall also have power to make all necessary repairs of houses, engines or other apparatus belonging to the department, and to contract in the name of the city for new houses or apparatus, provided, that for all contracts exceeding five hundred dollars in amount, the approval of the common council shall first be obtained. Control of department. Repairs.

§ 6. No commissioner or other officer of the board shall be interested in the profit of any contract, and no officer or employee shall have power to incur any liability on account of said board, unless expressly authorized to do so at a meeting of the board. The said board shall not enter into any contract with any person for the doing of any work the expense of which shall exceed five hundred dollars, until they have published a notice in three successive numbers of the official paper inviting proposals for the performance or said work, according to the plans and specifications on file in their office, and the said contract shall be awarded to the lowest responsible bidder, who shall furnish security for the performance of the same satisfactory to the said board. Members of board not to be interested in contracts, etc. Proposals for work to be advertised when amount exceeds $500.

§ 7. The board shall, on or before the first day of March in each year, certify and deliver to the comptroller a full and detailed statement or estimate of the expense and the amount of money required for the support of the department for the ensuing year. They shall have no power to incur any liability on behalf of the city beyond the amount so levied or appropriated by the common council. All payments from the fire department fund shall be ordered at a meeting of the board and shall be made by the treasurer of the city upon warrants authorized by the common council, signed by the mayor and city clerk and countersigned by the comptroller. Estimate of expense and of amount of money required. Payments.

§ 8. And said board shall have power to appoint a chief engineer, who shall be the executive officer of the board and have the active management of the department in service, and such number of as- Chief engineer and assistants.

sistants as they may deem necessary; said chief engineer and assistants to hold office during the pleasure of said board. They shall also appoint such other officers and employees as may be deemed necessary for the efficient management of the department, who shall hold their positions during the pleasure of the said board. They shall, by and with the approval of the common council, fix the salaries and prescribe the duties of all officers and members of the department.

Other officers.

Salaries.

Superintendent of fire alarm telegraph.

§ 9. The chief engineer, under the direction of the board, shall, by virtue of his office, be the superintendent of the fire alarm telegraph, and may appoint such number of operators and other employees as may be necessary for the management of said telegraph, to be approved of by the board.

Fire wardens.

§ 10. The said chief and assistant chief engineers shall act as fire wardens under direction of the board, and the chief engineer, with any one of his assistants, shall have power to enter and examine any building in which fire is used, and may condemn the same or order it rebuilt or repaired if it be considered dangerous to the public safety.

Examination of dangerous buildings, etc.

Whenever complaint is made of the dangerous condition of any building or part thereof, it shall be their duty, under the direction of the board, to immediately examine into the same and report the result to the board, who shall take proper measures to put it in proper condition, the expense to be assessed as a tax upon the land where located. They shall also examine into the condition of any building reported unsafe, or being erected in violation of the law by direction of the board, and shall notify the owners thereof, if found unsafe, to rebuild the same. In default of which the board may bring suit against the owners in any court having competent jurisdiction.

Arrest of persons, at fires, who refuse to obey orders.

§ 11. Whenever any person shall refuse to obey the lawful order of the chief engineer, or any assistant engineer, or any member of the board at a fire, it shall be lawful for the officer giving such order to arrest, or to direct orally a constable, policeman or citizen to arrest such person and confine him temporarily, or until such fire shall be extinguished, and such officer may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly.

Buildings, on fire, may be torn down.

§ 12. When any building in the city of Buffalo is on fire, the chief engineer, or his assistant in command, with the concurrence of the mayor, or if he be not present, with concurrence of two of the commissioners, may direct such building, or any other building which they may deem hazardous, and likely to take fire and communicate it to other buildings, to be torn down, blown up, or destroyed, and no action shall be maintained against the city or any person therefor.

Claim of owner for damage, how adjusted.

§ 13. Any person interested in the building so injured or destroyed may, within three months, and not thereafter, present to the board a claim in writing for damages. If such claim shall be made within said time, and the city and the claimant cannot within two months thereafter agree upon the justice and amount of the claim, the claimant may, within one year from the time such building was injured or destroyed, and not thereafter, apply to any court of record held in the city, for the appointment of three commissioners to ascertain and report the just compensation to be made to him; such application shall be addressed to the court and shall be verified. A copy of it, with a notice when, where, and to what court it will be presented, shall be served on the city attorney, fourteen days before its presenta-

tion. The court shall hear the parties, and may appoint three persons to ascertain the just compensation, if any, to be made to the claimant.

§ 14. The commissioners shall take and subscribe an oath that they will faithfully and fairly hear and examine the matter, and a true report make. They shall consider and take into account the probability whether the building in respect to which damages are claimed would have been injured or destroyed by fire, if it had not been pulled down or otherwise destroyed, and may report that such damage shall equitably be allowed to the claimant. Oath and duty of.

§ 15. The board shall investigate the cause and origin of all fires in the city. They may administer oaths and examine witnesses, and may issue subpœnas and compel witnesses to attend and testify in the manner that justices of the peace are authorized in civil cases. They shall reduce the testimony to writing, and the witnesses shall subscribe the same, and the board shall report the testimony to the police authorities, with their opinion as to the cause and origin of the fire. Investigation into the origin of fires.

§ 16. Every fireman and every person who shall have served as a volunteer fireman without pay in the city for a term of five years shall be exempt from serving as a juror, and from all militia duty, except in cases of insurrection or invasion. A certificate from the mayor, under the city seal, shall be evidence of such exemption. The common council of the city of Buffalo may grant the certificate of exemption to any person who has served the city as a volunteer fireman, without pay for one year, and who has been prevented from serving the full term of five years by reason of the company in which he served having been disbanded; but no volunteer fire company, the members of which serve without pay, shall be disbanded without either consent of a majority of its members or the assent of the said common council thereto. Exemption from jury duty. Certificate of.

§ 17. All fines collected for the violation of the laws and ordinances of the city for preventing and extinguishing fires shall be paid to the treasurer of the Firemen's Benevolent Association of Buffalo, for the use of the said association. The common council shall not discontinue any suit commenced, or discharge or suspend the collection of any judgment rendered for any such violation except by a vote of two-thirds of all the members thereof, and after notice given to the president of such Firemen's Benevolent Association. Fines, to whom to be paid. Discontinuance of suits, etc., prohibited except by two-third vote.

§ 18. The money which is required by chapter one hundred and seventy-eight of the laws of eighteen hundred and forty-nine, to be paid to the treasurer of the city of Buffalo, shall be paid to the treasurer of the Firemen's Benevolent Association of Buffalo, and the bond required by such chapter shall be executed and delivered to him. Money to be paid to treasurer of F. B. A., and he to give bond.

§ 19. Ten days after the organization of the board of such fire commissioners, the terms of office of all the officers and paid employees of the paid portion of the present fire department of said city shall cease and terminate. Terms of office of, etc., of paid department to cease.

§ 20. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 21. This act shall take effect immediately.

CHAP. 272.

AN ACT appropriating money for the payment of sums due to contractors for new work and extraordinary repairs on the canals, and to pay the certificates and drafts issued therefor.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

$120,274.39, appropriated to pay sums due contractors, etc.

SECTION 1. The sum of one hundred and twenty thousand two hundred and seventy-four dollars and thirty-nine cents, being the balance remaining unexpended of the sum of four hundred thousand dollars, appropriated by the second section of chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-six, and which was reappropriated by act chapter two hundred and seventy of the laws of eighteen hundred and seventy-eight, or so much thereof as shall remain unexpended on the passage of this act, is hereby reappropriated to pay the sums which may finally be adjudged by the canal board or any court of record, to be due to contractors on monthly estimates or on final account for extraordinary repair work on the canals and which have not heretofore been compromised and settled, and also to pay the outstanding certificates and drafts duly issued in payment for work performed and equitably due from the State, together with the interest which the statutes allow on such deferred payments.

§ 2. This act shall take effect immediately.

CHAP. 273.

AN ACT to amend chapter two hundred and sixty of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Coxsackie."

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, chap. 260, Laws of 1867, amended.

SECTION 1. Section two of chapter two hundred and sixty of the laws of eighteen hundred and sixty-seven is hereby amended so as to read as follows:

§ 2. The officers of the corporation shall be six trustees, one assessor, one clerk, one treasurer, one collector, one police justice and one or more police constables as the board of trustees shall from time to time appoint.

§ 2. Section three of said act is hereby amended so as to read as follows:

Officers, election and appointment of, etc.

§ 3. The trustees, assessor, collector and police justice shall be elected by the legal voters of said village; the police constables, clerk, and treasurer shall be appointed by the board of trustees, and hold their respective offices for the term of one year unless sooner removed by the board of trustees; the said officers elected as aforesaid shall enter upon their duties, and hold their respective offices for the term of one

Terms of office of.

year, except as hereafter provided. The police justice shall hold his office for the term of four years from the first Monday after his election and until his successor shall be duly chosen and qualified. The trustees who shall first be elected after this act shall have taken effect shall designate by lot three of their number to serve for two years and three to serve one year, and every year thereafter there shall be elected three trustees to serve two years or until their successors shall be duly chosen and qualified.

§ 3. Section four of said act is hereby amended so as to read as follows:

§ 4. The first election for said village officers shall be held on the first Tuesday in January succeeding the passage of this act, and the annual election thereafter shall be held on the first Tuesday in January in each successive year. Special elections shall be held whenever they shall be ordered by a majority of the board of trustees; all such elections shall be held at such place within the corporate bounds of said village that may be designated by said board of trustees. Elections.

§ 4. Section twenty-nine of said act is hereby amended so as to read as follows:

§ 29. It shall be the duty of the said trustees to appoint from time to time one of their number president of said village, who shall preside and vote at all meetings of the board of trustees, and in case of an equal division upon any question, the same shall be deemed lost. It shall also be the duty of the trustees to carry into effect every resolution adopted by the inhabitants of said village; to provide for the safe custody and preservation of the public property of said village; to fix the penalty and determine the sufficiency of the official bonds of the treasurer and collector of said village; to examine the accounts of the treasurer from time to time and prescribe the manner of paying out and accounting for money received by said treasurer; to audit accounts against said corporation and to direct the payment by said treasurer; to issue under their hands warrants for the collection of taxes directed to be raised according to the provisions of this act, which shall be returnable within sixty days from the time of issuing the same, and may renew such warrant for any tax not collected; to prescribe the duties of the clerk of said village and fix his compensation; to fix the compensation of the collector of said village, which shall not exceed that of town collector, and to make by-laws not inconsistent with the constitution and laws of this State and of the United States, as they shall deem necessary to carry into effect the provisions of this act; and to prescribe penalties of not more than twenty-five dollars for the violation of such by-laws; to prosecute the same in the name of such corporation for the recovery of any such penalty in any court having cognizance thereof, or for any debt or demand due such corporation, or for any injury to its rights or property, and to defend any suit or proceeding instituted against the corporation in any court of law or equity; and the said trustees may erect a pound and appoint a pound-master and prescribe his duties and fees for such duties; the said trustees shall constitute a board of health of said village, and shall possess all the powers, and be subject to all the duties prescribed by law and applicable to boards of health in the several towns of this State; and the rights of any board of health of the town of Coxsackie shall hereafter cease within the limits of said village. President. Duty of trustees. To audit accounts. To make by-laws. Board of health.

§ 5. This act shall take effect January first, eighteen hundred and eighty-one.

CHAP. 274.

AN ACT to authorize Long Island City to issue bonds or certificates of indebtedness to an amount not exceeding fifty per centum of sums due for arrears of taxes.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Treasurer to certify in gross taxes more than one year overdue.

SECTION 1. The city treasurer of Long Island City shall, within thirty days after the passage of this act, certify in gross to the mayor of said city the amount of city and ward taxes in said city which shall be overdue for more than one year, and which shall have been assessed upon real estate known to said treasurer to be worth, in the case of each parcel thereof, more than four times the amount of all taxes assessed thereon; and thereupon it shall be lawful for the mayor and common council of said city to make and issue bonds or certificates of indebtedness for an amount not exceeding in the aggregate the sum of fifty thousand dollars. Such bonds or certificates of indebtedness shall not be sold for less than par; shall bear interest not exceeding six per centum per annum, to be paid semi-annually; shall have interest coupons attached, and the principal and interest shall be payable in the city of New York, the principal being made payable in not exceeding five years from their date. They shall be signed by the mayor and city treasurer and countersigned by the city clerk, and the seal of the city shall be affixed thereto.

Certificate of indebtedness.

Not to be sold for less than par.

Proceeds, how to be applied.

§ 2. The proceeds of said bonds or certificates of indebtedness shall be used for taking up and paying all bonds or certificates of indebtedness which shall have been issued under chapter five hundred and twenty-four of the laws of eighteen hundred and seventy-nine, entitled "An act to enable Long Island City to pay the interest on its water debt in the year eighteen hundred and seventy-nine," and the residue of such proceeds shall be used for the same purposes as the amounts of taxes in arrears would be used in case of payment thereof, and all taxes which shall be in arrears at the time of the issue of such bonds or certificates of indebtedness shall be when the same shall be paid a fund for redeeming and paying off said bonds or certificates, and shall be used for their purchase, if the same shall be obtainable at par or less, and if the same shall not be so obtainable at par, the said fund, beyond what shall be necessary for paying interest on the said bonds or certificates, shall accumulate to the maturity thereof, and shall then be used for said purpose. Such bonds or certificates, at par and accrued interest, shall be receivable by the receiver of taxes for all taxes in arrears for more than one year at the time of their date and issue.

To be received by tax receiver for overdue taxes.

§ 3. This act shall take effect immediately.

CHAP. 275.

AN ACT to provide for the collection of unpaid city taxes and local assessments in the city of Buffalo.

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptroller, upon return of tax warrant, to prepare statement of unpaid taxes.

SECTION 1. Upon the return by the tax collector of his warrants to the comptroller, he shall prepare a statement of the taxes and assessments upon lands returned by said collector unpaid. Such statement shall be a transcript of the rolls, and shall specify the amount of each tax and assessment, with additions and interest to the day on which the sale is to commence, and the further sum of five per cent upon the amount of each tax, assessment, addition and interest. When there is more than one tax or assessment upon the same parcel of land, the description of such parcel shall be inserted in such statement but once. The comptroller shall also charge each parcel of land included in such statement after such sale has been made, with one dollar to cover expenses of printing and publication. All such interest, fees and expenses shall be a charge on the lands sold, and shall be added to, and made a part of, such tax.

Expense of printing, etc., to be charged.

Collection of tax may be enforced by sale.

§ 2. The collection of every assessment and of every tax upon real estate returned unpaid by the tax collector may be enforced by a sale of the real estate by the comptroller, while the tax or assessment is a lien. Such sale shall take place in March or April, in every year.

When parcels to be sold separately.

§ 3. When the returned taxes and assessments are upon the same parcel of land, such parcel shall not be sold for less than the aggregate amount of them, but when they are upon parcels of different boundaries, although in part the same, each parcel shall be sold separately.

Notice of sale to be published.

§ 4. The comptroller shall cause to be published, twice in each week for three weeks in the official paper and two other newspapers of the city of Buffalo, a list or statement of the real estate charged with the payment of such taxes and assessments and interest, and so liable to be sold, and also a notice that the said real estate will, on a day at the expiration of the said three weeks to be specified in such notice and the succeeding days, be sold at public auction to the highest bidder at the county and city hall in the said city of Buffalo, to pay the taxes, interest and expenses thereon, which may remain unpaid at the time of such sale, the expense of publishing such list and notices shall not exceed the sum of one dollar to each newspaper for each parcel of land so advertised; on the day named in said notice the said comptroller shall commence the sale of said real estate, at auction, to the highest bidder, and shall continue such sale from day to day until the whole thereof shall be sold, but the owner of any piece of land, or his representative, may redeem the same at any time before the actual sale thereof, by paying the tax or taxes for which it is to be sold, with all accrued interest and expenses. It shall be the duty of the comptroller to bid in for the city all parcels of real estate at such sale which shall not be purchased by any other person at a rate sufficient to pay the taxes for which the land is to be sold, with all accrued interest and expenses.

Sale to be at auction to highest bidder.

Redemption.

When comptroller to bid for city.

Surplus, how to be disposed of.

§ 5. If the real estate shall sell for more than the amount of the tax, interest and expenses aforesaid, the surplus shall be paid over by the comptroller into the superior court of Buffalo, by delivering the same to the clerk thereof, and such court shall ascertain and determine who is entitled to such money, and if it shall appear that such proceedings are valid and regular, order and decree its distribution and payment to the person or persons entitled thereto.

When bids to be paid and certificate given.

§ 6. The purchasers at such sale shall pay the amounts of their respective bids to the said comptroller within forty-eight hours after the sale, and thereupon the said comptroller shall execute to each purchaser a certificate in writing, which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale, and that the same was sold for unpaid city taxes. Such purchaser, or his legal representatives or assigns, may, upon receiving such certificate, by virtue thereof and of this act, lawfully hold and enjoy for his and their own proper use and benefit, and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless the same shall be redeemed as hereinafter provided.

Rights of purchaser.

When may obtain possession.

And he and his heirs and assigns may, at any time after the time limited in the seventh section of this act for the redemption of such premises shall have expired, and the notice therein provided for been given, and said premises shall not have been redeemed as therein provided, and not before, obtain actual possession of the premises by an action at law, or by causing the occupant of such real estate to be removed therefrom, and the possession thereof to be delivered to him in the same manner and by the same proceedings by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

Redemption.

§ 7. The owner of, or any person interested in, or having a lien upon, any real estate sold for taxes or assessments as aforesaid may redeem the same at any time within two years after the date of such sale by paying to the said comptroller, for the use of the purchaser upon such sale, his heirs and assigns, the sum mentioned in the certificate given to him, and the interest on the amount of the tax, interest and expenses at the rate of twelve per centum per annum, and on the balance of said sum at the rate of seven per centum per annum, to be calculated from the date of such certificate. Notice shall be given by the purchaser of any real estate sold for taxes under the provisions of this act to the occupant, owner in fee, registered agent of the owner, attorney in fact, whose power of attorney is recorded, trustee, mortgagee, judgment creditor or purchaser upon any other tax sale of the same property, and the heirs or assigns of any or either of them, and the guardian of any infants having any interest therein, at least three months before the expiration of the time for redemption fixed by this act, and the time for such redemption shall not be deemed to have expired until three months after such notice shall have been given. Such notice shall be either written or partly written and partly printed, and shall state briefly the lot or parcel of land to be redeemed, the tax, cost, interest and expenses required to be paid upon such redemption, the last day of redemption of any such real estate, and the office or place and hours when and where the money for such redemption can be paid, which office or place of business shall be in the city of Buffalo, and which hours shall be between nine o'clock in the forenoon and eight o'clock in the afternoon. Such notice shall be served personally, or left with some person of suitable age and discretion, at the residence or place of business of any and all persons

Notice to be given by purchaser.

Notice to be written or printed, and what to contain.

How to be served.

entitled to such notice, if they or any of them reside in the city of Buffalo, or have a place of business therein; and in case they or any of them do not reside or have a place of business in said city, then such notice shall be deposited, postage paid, in the post-office, addressed to them at the post-office at or nearest to their known place of residence; and if the residence or address of any such person or persons be not known, then such notice shall be published at least once a week for three months prior to the day therein named for redemption, in three newspapers published in said city, and one of which shall be the official paper. The expenses of mailing and publishing such notice shall be added to and become a part of the amount required to be paid for the redemption of such real estate.

Expenses of mailing, etc.

§ 8. If such real estate or any part thereof be not redeemed as herein provided, the said comptroller shall execute to the purchaser, including the city of Buffalo, its or his heirs, successors or assigns, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee. The said comptroller shall be entitled to demand and receive from such grantee, for the use of the city, the sum of one dollar for preparing such conveyance. Every such conveyance shall be attested by the mayor and signed by the city clerk, and the seal of the city of Buffalo attached thereto, and when so executed shall be conclusive evidence that the sale was regular, and also presumptive evidence that all previous proceedings were regular, according to law and the provisions of this act. Every certificate or conveyance executed in pursuance of this act may be recorded in the same manner and with like effect as a deed acknowledged or proved before any officer authorized by law to take the proof and acknowledgment of deeds.

If not redeemed the comptroller to execute conveyance.

Attested by mayor and signed by clerk.

May be recorded.

§ 9. It shall be presumed that every tax levied and assessment made is valid and regular, and that all the steps and proceedings required by law were taken and had until the contrary shall be made to appear. Any action or proceeding commenced by any person or persons to test the validity or regularity of any tax levied or assessment made shall be commenced within one year from the time of the delivery of the roll in which said tax or assessment is contained, to the treasurer; the invalidity or irregularity of any tax or assessment shall not be available as a defense to any action or proceeding commenced after the expiration of one year from the delivery of the roll as aforesaid, for the collection of said tax or assessment, or for the enforcement of any right or title, by virtue of any sale thereunder, unless an action or proceeding to test the validity or regularity of such tax or assessment shall have been commenced within the time hereinbefore limited for commencing the same, and shall be still pending, or such tax or assessment shall have been adjudged to be irregular and invalid. Where the invalidity or irregularity of any tax or assessment appears upon the face of the proceedings, any party in interest may apply by petition to the superior court of Buffalo for an order canceling the same, said court shall require reasonable notice to be given to the city of such petition, and shall hear the proofs and allegations of the parties, and shall, in case such irregularity or invalidity is established, order such tax or assessment to be canceled, and thereupon the same shall be canceled by the comptroller.

Presumption of regularity.

Limitation as to time of commencement of action, etc.

Proceedings where irregularity appears on face of papers.

§ 10. Whenever any purchaser under such sale, or his heirs or assigns, shall be unable to recover or retain possession of any real estate sold to him by reason of any irregularity or error in the assessment of any person or property, or the levying of any tax thereon, or in any

When purchaser to be reimbursed.

proceedings for the collection of any tax, the common council of said city shall reimburse the purchase-money so paid, with interest from the time of its payment, at the rate of seven per centum per annum, the amount thereof to be presented and audited as other city charges, and paid by the comptroller of said city; and thereupon the common council of said city shall order a reassessment of any amount or sum so paid upon the same real estate or against the same person, which shall, for all the purposes of this act, be deemed and taken to be an original general city tax as of the date of such reassessment.

Reassessment.

Action to recover tax.

§ 11. Whenever any city tax levied and assessed upon any person or property in the city of Buffalo, with the fees, interest and expenses which may by law be added thereto, shall remain unpaid for six months after the warrant for its collection has been placed in the hands of the comptroller of said city, the said comptroller may maintain an action in his name of office, for the amount of such tax, fees and expenses remaining unpaid and uncollected, with interest thereon at the rate of twelve per centum per annum, to be computed from the first day of February, when such tax was payable against any person or corporation liable for such tax, or the representative of such person or corporation, in any court of competent jurisdiction in which the proceedings, costs, judgments and executions shall be the same and with like effect as in actions between other public officers and individuals, and the amount collected by any such suit shall be used and applied by said comptroller in the same manner as though the same had been collected by the sale of real estate. But no action shall be brought or maintained upon any local assessment for local improvements, except local assessments for sidewalks and crosswalks. The warrant so delivered to the said comptroller shall be presumptive evidence that all the previous proceedings, including the assessing and levying of the tax, were regular and according to law. Nothing in this act contained shall be construed to repeal or abridge any powers now had by officers for the collection of taxes in the city of Buffalo.

Proceedings in actions.

No action to be brought for assessments for sidewalks, etc.

Warrant presumptive evidence.

Applicable to all city taxes.

§ 12. All the provisions of this act are hereby made applicable to all city taxes of the city of Buffalo hereafter assessed, including all local assessments and taxes for local improvements hereafter assessed and levied, except as herein provided.

§ 13. All other acts inconsistent with the provisions of this act, so far as the same relate to the city of Buffalo, are hereby repealed.

§ 14. This act shall take effect immediately.

CHAP. 276.

AN ACT to amend chapter two hundred and fifty-one of the laws of eighteen hundred and fifty-seven, entitled "An act to amend and consolidate the charter of the village of Le Roy."

PASSED May 12, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sub. 13, sec. 3, title 4, chap. 251, Laws of 1857, amended.

SECTION 1. Subdivision thirteen of section three of title four of "An act to amend and consolidate the charter of the village of Le Roy," is hereby amended so as to read as follows:

§ 13. To authorize the street commissioner to keep the sidewalks clear of snow, and pay the expense from the highway funds. Also to cause that portion of Main street in said village lying between Main street bridge and Cragie street to be sprinkled and kept free from dust; the necessary expense thereof shall be a charge upon the property to be benefited thereby and shall be assessed thereon by said board of trustees in proportion to the benefit received, and shall be collected of the occupants of said property, and in the same manner as other taxes of said village are collected. To keep sidewalk clear of snow and cause streets to be sprinkled.

§ 2. This act shall take effect immediately.

CHAP. 277.

AN ACT to amend chapter two hundred and seventeen of the laws of eighteen hundred and seventy-five, entitled "An act relative to The Farmers' Loan and Trust Company."

PASSED May 13, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and seventeen of the laws of eighteen hundred and seventy-five, entitled "An act relative to the Farmers' Loan and Trust Company," is hereby amended so as to read as follows: Sec. 1, chap. 217, Laws of 1875, amended.

§ 1. "The Farmers' Loan and Trust Company" a corporation created in and by the act entitled "An act to incorporate the 'Farmers' Fire Insurance and Loan Company,' passed February twenty-eight, eighteen hundred and twenty-two, as amended April seventeenth, eighteen hundred and twenty-two, and April thirty, eighteen hundred and thirty-six, in addition to the powers already possessed, shall have power to take, accept and execute all such trusts of every description as may be committed to said company by any person or persons, or any corporation, by grant, assignment, devise or bequest, or which may be committed or transferred to or vested in said company by order of the supreme court, or by a surrogate, or any of the courts of record, and to receive and take any real estate which may be the subject of any such trust. And no bond or other security shall be required from the said company for, or in respect to any trust, whether as guardian, receiver, depositary, executor or administrator with or without the will annexed, or otherwise, which may have been, or which may hereafter be, committed to such company as aforesaid; but all investments of moneys received by the said company in either of such characters shall be at the sole risk of the said corporation, and for all losses of such money, the capital stock, property and effects of the said corporation shall be absolutely liable. And, in case of the dissolution of said company by the legislature, the supreme court, or otherwise, the debts due from the company as guardian, receiver or depositary of moneys in court, or as executor or administrator, with or without the will annexed, shall have a preference. Additional powers conferred. To execute trusts. No security required. Debts to have preference.

§ 2. This act shall take effect immediately.

CHAP. 278.

AN ACT to amend chapter four hundred and three of the laws of eighteen hundred and seventy-nine entitled "An act to prevent certain abuses upon the canals of this State."

PASSED May 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, chap. 403, Laws of 1879, amended.

SECTION 1. Section one of chapter four hundred and three of the laws of eighteen hundred and seventy-nine, of an act entitled "An act to prevent certain abuses upon the canals of this State," is hereby amended so as to read as follows:

Lock tenders or other employees on canals, not to ask or receive gratuities.

§ 1. Any lock-tender or other employee of this State upon any of the canals of this State who shall ask, demand or receive, directly or indirectly, from any boatman or other person, any fee, reward or gratuity for doing or omitting to do any act or thing in his capacity as such lock-tender or employee; and any boatman or other person who shall pay or offer to pay, directly or indirectly, to any lock-tender or other employee of this State, upon any of the canals of this State, any fee, reward or gratuity for doing or omitting to do any act or thing in his capacity as such lock-tender or employee, shall, upon conviction, be adjudged guilty of a misdemeanor.

Misdemeanor.

§ 2. This act shall take effect immediately.

CHAP. 279.

AN ACT to authorize Keeseville union free school district number one of the towns of Ausable and Chesterfield to borrow money and issue bonds or certificates of indebtedness, for the building and furnishing of a new school building and the purchase of a site therefor.

PASSED May 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of education may borrow not to exceed $12,000, to build new school building.

SECTION 1. The board of education of Keeseville union free school district number one of the towns of Ausable and Chesterfield are hereby authorized to borrow, on the credit of said district, such sum of money not exceeding twelve thousand dollars as may be legally voted by said district for the building and furnishing of a new school building in said district, and the purchase of a site therefor. And for the money so borrowed the said board of education are hereby authorized to issue bonds or certificates of indebtedness in the name of said district, to be signed by the president and clerk and countersigned and registered by the treasurer of said board, in sums not exceeding five hundred dollars each, bearing interest at six per centum per annum, payable semi-annually on the first day of January and first day of July in each year; said bonds or certificates not to be sold less than par; and such bonds or certificates of indebtedness shall be classified and issued so that one-tenth part of the whole amount thereof shall be redeemable

Bonds to issue.

Rate of interest.

on the first day of January, eighteen hundred and eighty-two, and the residue in nine equal annual installments thereafter. And the money that shall be raised by loan or sale of said bonds or certificate of indebtedness shall be used for purchasing site for said district, and for building a school building in and for said district, and furnishing the same, and for no other purpose whatever; provided, however, that the powers and authority conferred by this act shall only be exercised upon the condition that said district shall vote at district meeting said sum for such purpose, and such vote shall be taken in the same manner as now provided by law, for raising money for building school-house.

When redeemable. Money, how to be used.

§ 2. The said board of education of the said union free school district shall make due provision by tax in each year for the payment of the principal and interest falling due on said bonds or certificates during such year. And said principal and interest shall be assessed, levied and raised in the same manner as any other public or general tax of said district and in addition to the general and ordinary taxes of said district now authorized by law.

Tax to pay bonds.

§ 3. This act shall take effect immediately.

CHAP. 280.

AN ACT authorizing the board of trustees of school district number three of the town of New Lots, in the county of Kings, to issue bonds to the amount of ten thousand dollars to refund or pay a like amount of bonds issued by said board of trustees for the erection of a school-house, in pursuance of chapter one hundred and ninety-one of the laws of eighteen hundred and seventy.

PASSED May 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of trustees of school district number three of the town of New Lots, county of Kings, or their successors in office, shall have the power and are hereby authorized pursuant to the vote of the taxable inhabitants of said district passed at their annual meeting held on the second Tuesday of October, eighteen hundred and seventy-nine, to execute, issue and dispose of bonds of said school district to the amount of ten thousand dollars, to refund or pay a like amount of bonds of said school district, issued in pursuance of chapter one hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act to provide for the erection of a school-house in school district number three in the town of New Lots and for enlarging the site thereof." The said trustees and their successors in office are hereby authorized and empowered on the first day of January, eighteen hundred and eighty-one, to execute and issue one or more bonds as they may see fit, to the amount and not to exceed a sum total of one thousand dollars, to refund and pay the bonds issued in pursuance of the above statute, and on the first day of each succeeding year for nine years to execute a bond or bonds to a like amount and for a like purpose.

Board of trustees authorized to issue bonds. Amount of. May issue $1,000, each year, for nine years.

§ 2. The said trustees and their successors in office, in their official capacity, are hereby authorized and empowered to issue bonds in such

Trustees and successors.

may issue bonds to parties loaning money.

sum or sums as they may deem proper to such person or persons, body or bodies corporate as shall loan the said sum of money, or any part thereof, for the purpose of securing the repayment of such sum of money, or any part thereof, as may be borrowed as aforesaid, together with the interest that may become due thereon, not to exceed six per cent per annum.

Sale of bonds.

§ 3. The said school trustees or their successors in office may sell or dispose of said bonds as in the exercise of their judgment they shall deem for the best interests of said school district, and the proceeds of the said bonds so sold or disposed of shall be applied by the said school trustees or their successors to the payment and redemption of the bonds heretofore issued as aforesaid, which last-mentioned bonds so paid or redeemed shall be canceled and disposed of as said board may direct.

Proceeds, how to be applied.

Tax.

§ 4. The said trustees or their successors in office, for the purpose of paying said bonds and the interest that may grow due thereon, are hereby authorized and empowered to raise by tax upon the taxable property of said school district such principal and interest as follows,

Annual.

namely: They shall annually, for ten years, hereafter, in addition to such sum as they may be entitled to levy and collect under the statutes of the State of New York, relating to common schools, and in the same manner and at the same time as are now provided by said statutes, levy, raise and collect a sum sufficient to pay the interest of said bonds, and thereafter, in addition to said sum, they shall annually, until the whole of said debt, principal and interest, is fully paid and satisfied, in the same manner and at the same time raise, levy and collect the interest on said bonds, and one thousand dollars of principal, and all money collected and paid as aforesaid shall be paid into the hands of the treasurer of the county of Kings to enable him to pay the interest on and satisfy said bonds. Said bonds shall be made in such manner that no greater sum than one thousand dollars of principal shall become due thereon in any one year, and no bond issued in pursuance of this act shall become due prior to the first day of January, eighteen hundred and ninety-one, and the interest on said bonds shall be made semi-annually.

Amount of.

Bonds, when to be payable.

§ 5. This act shall take effect immediately.

CHAP. 281.

AN ACT authorizing the commissioners of the several towns and cities of the counties of Cayuga, Tompkins, Cortland and Tioga to sell stock of Southern Central railroad with which to pay the bonded indebtedness of such towns and cities.

PASSED May 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners, with consent of officers named,

SECTION 1. The commissioners of any town or city in either of the counties of Cayuga, Tompkins, Cortland or Tioga, with the consent of a majority of the justices of the peace and with the consent of the supervisor of such town, or of the majority of the supervisors of any city, and of the county judge of the county in which such town or

city shall be situated, are hereby empowered to sell the whole or any part of the stock of the Southern Central railroad, now owned by such town or city. may sell stock.

§ 2. The moneys arising from the sale of such stock shall be used for the purpose of paying and redeeming any bonds which shall have been, previous to the passage of this act, issued by the commissioners of such town or city, to enable such town or city to subscribe for the stock of the Southern Central railroad, unless all such bonds shall have been redeemed and paid previous to the sale of such stock, in which case such moneys shall be used for town or city purposes in such manner as the said justices and supervisor or supervisors, or a majority of them, shall direct. Money from sale to be used paying bonds.

§ 3. All acts or parts of acts inconsistent with the above are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 282.

AN ACT for the preservation of lobsters.

PASSED May 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whoever shall sell, or offer for sale, or have in possession with intent to sell, any lobster less than ten and one-half inches in length, measurement to be taken from one extremity of the body to the other, exclusive of claws or feelers, shall, for every such offense, be subject to a fine of five dollars; and in all prosecutions under this act the possession of any lobster not of the length herein prescribed shall be prima facie evidence to convict. Sale of lobsters less than 10½ inches long, prohibited. Penalty.

§ 2. All forfeitures accruing under this act shall be paid one-half to the person making the complaint, and one-half to the city or town where the offense was committed. To whom to be paid.

§ 3. This act shall take effect on the first of June, eighteen hundred and eighty.

CHAP. 283.

AN ACT to amend chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-two, entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," is hereby amended so as to read as follows:

PASSED May 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-two, entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," is hereby amended so as to read as follows: Sec. 3, chap. 181, Laws of 1872, amended.

Procuring or advising taking of medicine or using any instrument to procure abortion, punished by imprisonment in State prison.

§ 3. Every person who shall administer to any pregnant woman, or prescribe for any such woman, or advise or procure any such woman to take any medicine, drug, substance or thing whatever, or manufacture, advertise or sell any such medicine, drug, substance or thing whatever, or shall use or employ upon any such woman, or advise or procure any such woman to submit to the use or employment of any instrument or other means whatever, with intent thereby to procure the miscarriage of any such woman, shall upon conviction be punished by imprisonment in a county jail, or in a State prison, not less than one nor more than three years in the discretion of the court.

§ 2. This act shall take effect immediately.

CHAP. 284.

AN ACT to provide for the creation of a board of charities and corrections of the county of Kings, and for the appointment of the commissioners thereof and their subordinates.

PASSED May 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners of charities and corrections.

SECTION 1. The commissioners of charities of the county of Kings shall hereafter be known and designated as the commissioners of charities and corrections of the county of Kings, and such commissioners shall no longer be elected by the people, but shall be appointed as hereinafter provided.

No successors to be elected or appointed till the number is reduced to three.

§ 2. No successors shall either be elected or appointed to the two commissioners of charities of said county whose terms of office shall expire first after the passage of this act, but as the terms of the said commissioners shall respectively expire, the number composing the board constituted by this act shall be correspondingly reduced so that said board shall be composed of three commissioners of charities and corrections. The successors of the two commissioners of charities elected in the year eighteen hundred and seventy-eight shall be appointed by the president pro tempore of the board of supervisors of Kings county, on or before the first day of October, eighteen hundred and eighty-one.

Appointment by president pro tempore of board of supervisors and by supervisor at large.

§ 3. The successor of the commissioner elected in the year eighteen hundred and seventy-nine shall be appointed during the month of September, in the year eighteen hundred and eighty-two, by the supervisor at large of Kings county, and the said three commissioners so appointed, and their successors, shall hold office for four years, and until their successors shall have been appointed and shall have qualified, and in case a vacancy shall occur from any cause in the office of the said commissioners during the years eighteen hundred and eighty or eighteen hundred and eighty-one, such vacancy shall be filled by the president pro tempore of the said board of supervisors, and all vacancies occurring thereafter shall be filled immediately by the supervisor at large of Kings county; and the successors of the commissioners appointed under sections two and three of this act shall be appointed on or before the fifteenth day of October preceding the expiration of the terms of the respective commissioners. The salary of the said commissioners hereafter appointed shall be three thousand dollars per annum.

Salary.

§ 4. The board constituted by this act shall be a corporation by the name of the "Board of Commissioners of Charities and Corrections of the County of Kings," under which name they may sue and be sued, and they shall possess the usual powers of a corporation for public purposes. They shall constitute a board for the relief and support of the poor of the county of Kings, and for the government, management, maintenance and direction of the premises commonly known as the county farm, at Flatbush, in said county, and of each and all of the several institutions and buildings, property and appurtenances situated or which may be erected thereon, and for the employment, relief, support and government of the persons placed thereon and as such may appoint and remove from time to time storekeepers and all other officers, subordinates and assistants necessary for the proper discharge of their duties under this act and by law, and who shall hold their positions during the pleasure of said board, and said board shall also, on the expiration of the term of office of the present keeper of the penitentiary and the keeper of the morgue respectively, have the government, management, maintenance and control of the penitentiary, and the morgue of said county and the employment, government, direction and support of the persons confined in said penitentiary, and as such may appoint and remove from time to time a superintendent or keeper of said penitentiary, and a keeper of said morgue, and such other subordinates and assistants in those institutions respectively, as may be necessary for the proper discharge of their duties under this act, and who shall hold their positions during the pleasure of said board, and upon the appointment by said board of a store-keeper, superintendent or keeper of said penitentiary, keeper of said morgue, or any of the subordinates hereinbefore designated, the present incumbents shall vacate such position and surrender to such appointee or his successor all the property, effects, books and papers committed to his care by virtue thereof, and the person so appointed shall have all the powers, privileges and authority respectively of their predecessors in office, subject, however, to the control and supervision of the board provided for by this act. And for the purposes aforesaid said board may from time to time make such rules and by-laws as may seem to them necessary, not inconsistent with the provisions of this act or contrary to law. The said board shall have power to purchase all such articles and supplies as shall be necessary to be used in and for the relief and support of the poor in the county of Kings, and for the support of the persons confined in said penitentiary, and for that purpose shall generally possess every power and authority now possessed by the commissioners of charities, and the board of supervisors of the county of Kings, not inconsistent with the provisions of this act. The said board shall from time to time, as may be necessary, advertise in the corporation papers of the city of Brooklyn, for not less than ten days, for proposals for all such articles and supplies as shall be necessary to be used in and for the relief and support of the poor of the county of Kings, and for the support of the persons confined in said penitentiary, and shall award contracts for the same to the lowest responsible bidder who shall give adequate security for the faithful performance of said contracts, excepting such perishable articles as are excepted by existing regulations from contract by the commissioners of charities of said county, and in case of an emergency, they may purchase articles immediately required without calling for competition, at an expense not to exceed five hundred dollars during any one month.

Corporate name and powers.

Board of relief, etc.

Government of farm and institutions.

To appoint officers.

Control of penitentiary and morgue, etc.

Rules and by-laws.

To advertise for proposals.

§ 5. The said board of commissioners of charities and corrections

To fix

salaries of subordinate officers.

shall have exclusive power to fix the salaries or compensation of the officers, subordinates or other persons by said board appointed or employed, and to make all expenditures, provided the amount raised and appropriated shall not be exceeded. And all moneys and means now provided by law for any of the uses and purposes covered by this act for the present fiscal year of the county of Kings shall be applied in accordance with the provisions of this act.

Support of paupers.

§ 6. No paupers or indigent persons, excepting those who may be committed on account of insanity, shall be supported in or at the expense of Kings county in any public or private institution, unless they shall have been committed by the said commissioners of charities and corrections; the said commissioners shall have power to indenture and bind out within the State as apprentices during their minority, any minor children over fourteen years of age who may be under their care and control by reason of the provisions of this act or of any other law, and they shall have power, in their discretion, to cancel such indentures; and they may bind out such children for the employment of farming or any useful trade or art, provided that such children shall be bound out only to persons of like religious faith with themselves or their parents, and within the limits of the State. The said commissioners may divide the county in such districts, not to exceed three in number, as they may deem best for the proper care of the poor.

Apprentices.

Districts.

§ 7. This act shall take effect immediately.

CHAP. 285.

AN ACT to provide for repairing or rebuilding and enlarging the city hall of the city of Albany, for the use of said city and the use of the county of Albany, and to provide means for the payment therefor.

PASSED May 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners to rebuild city hall.

SECTION 1. The mayor of the city of Albany, the chairman of the board of supervisors of the county of Albany, Erastus Corning, Charles P. Easton, Robert C. Pruyn, Albertus W. Becker, Barclay Jermain, Charles Van Benthuysen and Marcus T. Hun are hereby appointed commissioners to repair or rebuild and enlarge the city hall in the city of Albany, for the use of said city and for the use of the county of Albany, and to procure for that purpose such additional land as may be necessary, within the block bounded by Pine street, Maiden lane, Lodge street and Eagle street. Said land shall be procured either by purchase or by the like proceedings as are authorized by article four, title two, chapter nine, part three of the Revised Statutes, entitled "Of the writ ad quod damnum," and the land so procured shall be taken in the name of the city of Albany and of the county of Albany.

Additional land.

Official oath.

§ 2. The said commissioners, before entering upon their duties, shall take and file in the office of the clerk of said county the oath of office prescribed by the twelfth article of the constitution. They shall elect one of their number as chairman, who shall preside at their meetings, and perform such other duties as they shall assign to him. They shall

Chairman.

appoint a clerk, who shall receive a salary to be fixed by them, and such clerk shall keep a record of the proceedings of said commissioners, and perform such other duties as the commissioners may prescribe. Clerk.

They shall also designate as the treasurer of said commissioners the county treasurer of said county, who shall, without compensation, in addition to the duties hereinafter prescribed, take charge of, receive and disburse, under the direction of said commissioners, all moneys coming into their hands by virtue of this act, and said treasurer shall, at such times as said commissioners shall determine, make a detailed statement to them of the condition of said moneys. Treasurer.

§ 3. The first meeting of said commissioners shall be held within fifteen days after this act shall take effect, on a day to be designated by a majority of said commissioners who are not such ex-officio, at twelve o'clock, noon, at the old assembly chamber of the old capitol, in the city of Albany. Subsequent meetings shall be held upon the call of the chairman or any two of said commissioners, at such time and place in said city as he or they shall designate or as said commissioners shall, at any meeting, fix by adjournment, notices of meetings so called shall be given by the clerk through the post-office, addressed to the respective commissioners at their place of residence, at least two days before the time of meeting. Any act of the commissioners at a regular meeting to which a majority of their whole number shall assent shall be valid and binding as the act of all of them. None of said commissioners shall receive any compensation for his services, but each of them shall be entitled to receive his actual disbursements and expenses in the discharge of his duties. Any vacancy in their number, caused by death, resignation, removal from Albany county, or otherwise, shall be filled by appointment, to be made by the remaining commissioners. First meeting. Subsequent meetings. Quorum. Not to receive compensation. Vacancy.

§ 4. Said commissioners shall cause to be rebuilt or erected, completed and furnished ready for use, the said city hall, for the use of the city and county of Albany, as a court-house, and for other public purposes, of dimensions and upon a plan which shall furnish accommodations for the county clerk, surrogate, county treasurer, district attorney, county judge, for the circuit, county court, general term of the supreme court, supreme court chambers, courts of sessions and other courts, for the supervisors' rooms, for jury rooms, for the mayor, chamberlain, receiver of taxes, city surveyor and engineer, street commissioners, register of vital statistics, assessors, water commissioners, for the common council chamber, clerk of the common council and generally for the public offices and departments of the said city and county of Albany. The said commissioners shall also determine and designate, by a certificate in writing, signed by them, or by a majority of them, what parts of said hall shall be assigned to the use of said courts, the judges and officers thereof, and what parts thereof shall be assigned to the use of the county of Albany and the city of Albany respectively. The execution of such a certificate shall be acknowledged or proved as deeds of real estate are required to be in order to entitle the same to be recorded, and such certificate shall be recorded in the office of the clerk of said county. To cause city hall to be rebuilt. Dimensions and plan. To assign rooms to officers and make certificate thereof. Certificate to be recorded.

§ 5. One-half of the expenses incurred in erecting said hall and completing and furnishing the same ready for use and in purchasing the necessary ground as aforesaid shall be borne and paid by the city of Albany, and the other half by the county of Albany, and all expenses to be incurred after the erection and completion of said hall, for necessary repairs and for the warming, lighting, protection and One-half of expense to be borne by city and one-half by county.

care thereof, shall be borne and paid by the county and city in like proportion. Such necessary repairs and the warming, lighting, protection and care of building shall be made and provided for by contract or contracts each to be entered into by both the mayor of the city of Albany and the chairman of the board of supervisors of the county of Albany, for the time being, and no expense so incurred shall be allowed or directed to be paid by either the board of supervisors of said county or the common council of said city, until the bills therefor have been duly approved by both the said mayor and chairman, except the salaries of employees which shall have been fixed in writing for a definite period of time, at a definite sum by said mayor and chairman jointly.

Repairs and warming to be done by contract.

Architect.

Record of proceedings.

§ 6. The said commissioners shall have authority to employ and pay an architect, and also a superintendent and such other necessary assistants as they shall require for the purposes aforesaid. They shall keep a full record of their proceedings and exact and particular accounts of all their receipts and disbursements, which records and accounts shall at all times be open for inspection by the chairman of the board of supervisors of said county and the president of the common council of said city and of any committee appointed for the purpose by either of those bodies, and upon completion of their duties, said commissioners shall deposit such record and all other books of account and vouchers in the office of the clerk of said county, there to be preserved as records of his office.

Misdemeanor for any com'r clerk, architect or sup't to be interested in furnishing materials, etc.

§ 7. It shall be a misdemeanor, punishable by fine and imprisonment, for either of said commissioners, or any clerk, architect or superintendent appointed by them, to be in any way or manner interested, directly or indirectly, in furnishing any materials, supplies or labor for the erection of said hall, or in any contract which said commissioners are empowered by this act to make.

Board of supervisors to borrow sum requisite to pay amount to be borne by county.

To issue bonds.

Rate of interest.

§ 8. It shall be the duty of the board of supervisors of said county to borrow, upon the faith and credit of said county, such a sum of money as shall be requisite to pay the proportion hereinbefore fixed to be borne and paid by said county of the expenditures which said commissioners are authorized by this act to make, and to issue the bonds of said county therefor, which bonds shall be signed by the chairman of the board of supervisors and by the county treasurer, and shall be payable at such times, not more than forty years nor less than twenty years from the date thereof, as the board of supervisors shall determine; such bonds shall bear semi-annual interest at the rate of not over five per centum per annum, and as fast as the money shall be required by said commissioners they shall be negotiated by the chairman of the board of supervisors and county treasurer as hereinafter provided.

To be registered.

County treasurer to keep separate account.

They shall be registered in the office of the county treasurer and shall be payable at that office. The county treasurer shall keep a separate account of the moneys which shall be raised upon said bonds and shall pay therefrom upon the order of said commissioners, or a majority of them, from time to time, such amounts as shall be required to pay the proportion of said county, as hereinbefore fixed, of the expenditures which said commissioners are empowered by this act to make.

Bonds, how to be negotiated.

Treasurer to make advances.

The negotiation of such bonds shall be by selling the same, by the county treasurer, to the highest bidder at public auction, at not less than par, giving at least ten days' previous notice of the time and place of sale by publication in the papers in Albany designated for the publication of county proceedings. The treasurer of the county of Albany is hereby authorized to make advances for the necessary

expenditures by the commissioners, on their order, from any funds in his possession, prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of the subsequent sales of any of said county bonds.

Annual tax to pay interest on bonds.

§ 9. It shall be the duty of the board of supervisors of said county to cause to be raised yearly, by tax upon the taxable property in said county, in the same manner as other taxes are levied, a sum sufficient to pay the interest upon said bonds, when, and as the same shall become due and payable, and, from time to time, in like manner to raise the money necessary to pay the principal of said bonds as they shall fall due.

Mayor and common council to borrow sum requisite to pay amount to be borne by city.

To issue bonds.

Rate of interest.

§ 10. It shall be the duty of the mayor and chamberlain of the city of Albany to borrow, upon the faith and credit of said city, such a sum of money as shall be requisite to pay the proportion hereinbefore fixed to be paid and borne by said city of the expenditures which said commissioners are authorized by this act to make and to issue the bonds of said city therefor, which bonds shall be signed by said mayor and chamberlain; shall be payable in the city of New York, not more than forty years nor less than twenty years from the date thereof; shall bear semi-annual interest at the rate of not over five per centum per annum; shall be duly registered in the office of said chamberlain and as fast as the money shall be required by said commissioners they shall be negotiated by said mayor and chamberlain, as hereinafter provided, and the moneys received upon such negotiation shall be deposited with the chamberlain of said city, who shall keep a separate account thereof and shall pay therefrom, upon the order of said commissioners, or a majority of them, from time to time, such amounts as shall be required to pay the proportion of the city of Albany, as hereinbefore fixed, of the expenditures which said commissioners are empowered by this act to make. The negotiation of such bonds shall be by selling the same, by the city chamberlain, to the highest bidder, at public auction, at not less than par, giving at least ten days' previous notice of the time and place of sale, by publication in the city papers designated for the publication of city proceedings. The chamberlain of the city of Albany is hereby authorized to make advances for the necessary expenditures by the commissioners, on their order, signed by a majority of them, and authorized at a meeting of said commissioners duly called, from any funds in his possession prior to the issuing of the bonds herein authorized, and to be reimbursed from the proceeds of the subsequent sales of any of said city bonds.

Chamberlain to keep separate account.

Bonds, how to be negotiated.

Chamberlain to make advances.

Annual tax to pay interest.

§ 11. It shall be the duty of the common council of said city to cause to be raised yearly by tax upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon its said bonds, when and as the same shall become due and payable, and from time to time, in like manner, to raise the money necessary to pay the principal of its said bonds as they shall fall due.

Members of common council and supervisors not to be eligible to office of commissioner, nor be interested in furnishing materials, etc.

§ 12. No member of the common council of said city, or of the board of supervisors of said county, or city or county officer elected by the people, shall be eligible to the office of commissioner under this act, excepting that the mayor of the city and the chairman of the board of supervisors are to be commissioners ex officio, as before provided. Nor shall any member of said common council or of said board of supervisors, or any city or county officer, be in any way interested, directly or indirectly, in furnishing any material or supplies, or in any contract made for the erection of said building, or in any contract thereof or in any part thereof.

Work to be done by contract.

§ 13. The work of rebuilding or constructing said building shall be let by contract or contracts, and after said commissioners shall have given reasonable notice, in three of the principal newspapers in the city and county of Albany, calling for bids for the performance of said work, then the same shall be let to the lowest responsible bidder, upon his executing to said commissioners a good and sufficient bond with sufficient sureties for the faithful performance of said work.

Amount to be expended limited.

§ 14. The whole amount expended by said commissioners, by virtue of this act, shall not exceed two hundred thousand dollars, and fifty thousand dollars additional, and no more, for the payment of the cost of employing the architect, superintendent and his assistants, and the clerk, as hereinbefore provided for, and for furnishing said building and defraying all other necessary expenses pertaining to the rebuilding or construction thereof.

§ 15. This act shall take effect immediately.

CHAP. 286.

AN ACT for the relief of the town of Somerset, to abolish the office of railroad commissioner of said town, and to enable it to adjust its indebtedness and issue bonds therefor.

PASSED May 13, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervisors and justices may issue bonds.

SECTION 1. The supervisor of the town of Somerset, together with the justices of the peace of said town, or any three of such officers, are hereby authorized to execute, under their hands and seal, and to issue new bonds, with interest bearing coupons in the name of the town of

Purpose.

Somerset, for the purpose of redeeming, taking up and retiring the bonds issued by George H. Bradley, William H. Hyde and Stephen Mead, railroad commissioners of said town, in aid of the Lake Ontario

Interest.

Shore Railroad Company, such other bonds to bear interest annually at the rate of five per centum per annum, and be made payable at

When payable.

such times that the principal thereof shall become due and payable in thirty-three annual payments, and such payments substantially equal, and said interest and principal to be payable at some place that shall

To whom to be issued.

be designated in said bonds and coupons. Said new bonds may be issued to the holders of said old bonds or coupons, or the owner of any judgment recovered thereon, in sufficient amount to take up the old bonds and due or past due coupons and judgments recovered thereon owned by them respectively, or in the discretion of said supervisor and justices, they may sell said new bonds at a price not less than par, and with the proceeds thereof take up said old bonds and due or past due coupons and judgments recovered thereon, but no greater amount of such bonds shall be issued than is sufficient to take up and retire said old bonds and coupons, including judgments thereon which have been recovered against said town, and they shall be used for no other pur-

Official bond.

pose. Before said supervisor and justices, or any of them, shall issue any such bonds, they shall give to such town a bond, with sureties, who shall be able to justify in at least the sum of one hundred thousand dollars, said bond to be approved by the county judge of Niagara county, and conditioned for the faithful discharge of their duties, and

the use and application of such bonds as herein required, which said bond, when given, shall be filed with the town clerk of said town. Said supervisor and justices are hereby authorized to settle and adjust said indebtedness, and nothing herein shall be construed as compelling them to issue said bonds until a satisfactory adjustment is made.

May settle and adjust indebtedness.

§ 2. The said supervisor shall report to the board of supervisors of the county of Niagara, within three days after the commencement of their regular annual session in each year, the number and amount of bonds and coupons so issued and falling due within the next ensuing year, the time when the same shall fall due and the amount required to pay the same, and it shall be and it is hereby made the duty of the said board of supervisors to cause to be assessed and levied and collected of the real and personal property of the said town at the same time and in the same manner as other taxes are levied and collected, such sum or sums of money as shall be necessary for the payment of principal and interest of said bonds due or becoming due during such next ensuing year, and the same when collected shall be applied by the collector of taxes of said town to the payment of such principal and interest; and in case of failure of any supervisor to make the annual report of the amount necessary to be levied to pay such principal and interest for the ensuing year, it shall be the duty of the board of supervisors to ascertain such amount as near as practicable from the original report of the amount of bonds issued and the time they fall due, and assess and levy such amount in manner aforesaid, and when collected the same shall be applied to the payment of such principal and interest by said collector of taxes; and said collector shall, upon payment thereof, take up such bonds and coupons and plainly mark them in ink as canceled, noting, also, thereon, the time of such payment, and thereupon he shall file them with the clerk of said town.

Report of number and amount of bonds.

Tax levy.

In case of failure to make report supervisors to ascertain amount.

§ 3. The said supervisor and justices shall report to the town clerk in writing the number of bonds issued by them, the amount thereof, the time when and the place where payable, which report shall be signed by them and filed with such clerk within ten days after such bonds are issued, and said clerk shall duly record said report in the records of said town, and whenever said bonds or coupons shall be returned to him canceled, he shall immediately minute the amount and number of such bonds and coupons so canceled, and the time of payment in said records.

Report to be made to town clerk.

§ 4. The said bonds shall contain a recital that they are issued under the provisions of this act, and such recital shall be conclusive evidence in any and all courts and places of the validity of said bonds and the regularity of their issue.

Bonds to contain recital.

§ 5. The office of railroad commissioners of said town is hereby abolished and any powers or duties which have heretofore devolved upon said commissioners, which have not heretofore been provided for, are hereby vested in and imposed upon the supervisor of said town. The bail of the collector of taxes of said town from year to year shall be liable upon the bond required by law to be given by tax collectors for the faithful discharge by such collector for the faithful discharge by such collector* of the duties hereby required to be performed by him.

Office of R. R. commissioner abolished.

§ 6. The bonds and coupons issued pursuant to this act shall not bear interest after maturity unless presented at the time and place of payment and payment refused; provided, however, that such bonds

Bonds and coupons not to bear interest after maturity.

*So in the original.

and coupons may after the expiration of fifteen days from maturity be presented to the collector of said town, and in case payment is refused by him interest shall run from the time of such refusal.

§ 7. This act shall be deemed and taken as a general act and shall take effect immediately.

CHAP. 287.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

PASSED May 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 26, chap. 371, Laws of 1875, amended.

SECTION 1. Section twenty-six of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows:

Money may be invested in U. S. stocks, etc.

§ 26. It shall be lawful for the trustees of any savings bank to invest the moneys deposited therein only as follows, namely:

First. In the stocks or bonds, or interest-bearing notes, or obligations of the United States, or those for which the faith of the United States is pledged to provide for the payment of the interest and principal, including the bonds of the district of Columbia commonly known as the three-sixty-five bonds.

N. Y. stocks, etc.

Second. In the stocks or bonds of this State bearing interest.

Certain other state stocks, etc.

Third. In the stocks or bonds of any State in the Union that has not, within ten years previous to making such investment by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such State to be contracted.

City, town and village stocks, etc.

Fourth. In the stocks or bonds of any city, county, town or village of this State issued pursuant to the authority of any law of this State, or in any interest-bearing obligations issued by the city or county in which such bank shall be situated.

Bonds and mortgages on real estate.

Fifth. In bonds and mortgages on unincumbered real estate situate in this State and worth at least twice the amount loaned thereon, but not to exceed sixty per centum of the whole amount of deposits shall be so loaned or invested; but in case the loan is on unimproved and unproductive real estate the amount loaned thereon shall not be more than forty per centum of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee charged with the duty of investigating the same, and who shall certify to the value of the premises mortgaged, or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the institution.

Sixth. In real estate subject to the provisions of section twenty-nine of this act. In real estate.

§ 2. This act shall take effect immediately.

CHAP. 288.

AN ACT further to amend chapter one hundred and thirty-one of the laws of eighteen hundred and fifty-five, entitled "An act to incorporate the trustees of the church erection fund of the general assembly of the Presbyterian church in the United States of America."

PASSED May 14, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and thirty-one of the laws of eighteen hundred and fifty-five, entitled "An act to incorporate the trustees of the church erection fund of the general assembly of the Presbyterian church in the United States of America," is hereby further amended so as to read as follows: Sec. 1, chap. 131, Laws of 1855, amended.

§ 1. Joseph Fewsmith, John Thompson, Elijah R. Craven, Norman Seaver, John Hall, Charles A. Dickey, Frank F. Ellinwood, Morris C. Sutphen, Henry R. Wilson, Samuel J. Nicholls, Joseph R. Skidmore, Frederick G. Burnham, Jonathan C. Havens, Otis D. Swan, George W. Lane, John P. Crosby, Winthrop S. Gilman, Nathan Lane, Hezekiah King, Russell Scarritt, James M. Brauner (designated for the purpose by the general assembly of the Presbyterian church, which met in Philadelphia, in May, eighteen hundred and seventy), and their successors in office, are hereby constituted a body corporate and politic, by the name of "The Board of the Church Erection Fund of the General Assembly of the Presbyterian Church in the United States of America," for the purpose of aiding feeble congregations in connection with the said general assembly in erecting houses of worship, and also of aiding in the establishment of schools and chapels in the Territories of Utah, New Mexico and Alaska, and by that name they and their successors shall and may have perpetual succession, provided that no money shall be furnished by said corporation for the erection of any house of worship in any State or Territory (except Utah, New Mexico and Alaska), in which there shall exist at the time a law for the incorporation of religious societies, the title to which is not held by a religious corporation under and according to the laws of the respective States or Territories in which such places of worship are created; provided, also, that the title shall in no instance be vested in any priest, bishop or other ecclesiastic. Corporators. Corporate name and object. Proviso. Id.

§ 2. This act shall take effect immediately.

CHAP. 289.

AN ACT to amend chapter one hundred and thirty-eight of the laws of eighteen hundred and eighty, entitled "An act making an appropriation to continue the work on the new capitol building."

PASSED May 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 3, chap. 138, Laws of 1880, amended.

SECTION 1. Section three of chapter one hundred and thirty-eight of the laws of eighteen hundred and eighty, entitled "An act making an appropriation to continue the work on the new capitol building," is hereby amended so as to read as follows:

Contracts to be awarded to lowest bidder.

§ 3. All contracts shall be awarded to the lowest bona fide responsible bidder or bidders, after being advertised by the superintendent in such newspapers as, in the judgment of the new capitol commissioners, shall give the fullest notice to the people of the State, not exceeding three newspapers in all, including the State paper, once in each week for four weeks consecutively, immediately preceding the letting of said contract; the notice of letting to be signed by the superintendent and to state the work to be let, the quality, quantity and kind of materials to be bid for and the length of time which will be given for the completion of the work, or the delivery of materials, the amount of security required, and the bonds to be furnished for the faithful performance of the contract. The proposals received shall be exhibited to the said capitol commissioners, together with the proposed contract, which, on their concurrent written approval indorsed therein, shall be entered into on the part of the State by the said superintendent. The said contracts shall reserve the right to the said superintendent, with the concurrence of the said commissioners, to declare the same forfeited whenever, in the judgment of said superintendent and commissioners, said contract is not being performed for the interest of the State.

Notice of letting.

Proposals and contract to be submitted to commissioners.

Rights to be reserved.

§ 2. This act shall take effect immediately.

CHAP. 290.

AN ACT to permit and authorize the city of Albany to issue the bonds of said city for the payment of the expense of draining, grading, forming, paving and flagging a portion of South Pearl street in the city of Albany, and to extend the time of payment of the assessments therefor.

PASSED May 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When city has provided for grading, etc., of South

SECTION 1. Whenever the city of Albany shall have, pursuant to the laws of the State of New York and the ordinances of said city having reference thereto, provided for the draining, forming and grading, paving and flagging South Pearl street, in said city, from Ganse-

voort street to a point three hundred and forty feet south of McCarty avenue, and the work shall be completed and apportioned, and said apportionment shall be confirmed, the said city is hereby and shall be authorized and empowered to issue the bonds of the city of Albany for the amount of the expense of such work when assessment for the same shall be confirmed, which said bonds shall be called the South Pearl street improvement bonds. They shall be issued in such denomination as the finance department of said city shall determine, shall be signed by the mayor, countersigned by the chamberlain and the clerk of the common council, and shall be payable in seven years after their date, and draw interest at the rate of not exceeding five per centum per annum. Such bonds shall not be sold at less than par. With the proceeds of the sale of such bonds there shall be paid by the chamberlain the costs and expenses of said work and the costs and expenses of said bonds, and the surplus, if any, shall be applied to the fund to be provided for the payment of said bonds. The amounts apportioned and assessed for such improvement shall, respectively, be liens upon the houses and lots and vacant lots assessed therefor; but there shall be no interest charged thereon, nor any sales therefor, until the expiration of five years from the date of confirmation aforesaid, and the provision of the law relative to the charging of interest on unpaid assessments in said city is hereby suspended in relation to the assessment made for said improvement for five years, after which time the same shall fully apply.

Pearl street, bonds may be issued.

Denomination of, etc.

Proceeds of, how to be applied.

Assessments to be liens, but sales not to be made for five years.

§ 2. The finance department of said city may establish rules and regulations for the rebate of interest on said assessments, and regulate the amount to be rebated on such assessments paid before the expiration of said five years. In case the owner or owners of any large lots upon which any assessment has been made, as hereinbefore provided, shall subdivide the same into smaller lots, and desire the amount of the original apportionment apportioned upon said smaller lots, it shall be the duty of the owner or owners of such large lot to have a survey and map thereof made by or under the direction of the city surveyor and engineer, the original of which to be placed on file and retained in the office of the city surveyor and engineer, and a copy thereof to be filed in the clerk's office of the county of Albany; and upon the request of such owner or owners, approved by the city surveyor and engineer, the finance department shall divide such original amount assessed upon such large lot, and reapportion and assess the same upon such smaller or subdivision lots, and when confirmed such amounts as may be so reapportioned shall be received by the chamberlain in payment for and operate as a release of the lien created by the original assessment, so far as such lien may apply to such subdivision lot.

Finance department may establish rules for rebate of interest, etc.

Division of lots and apportionment of assessment.

§ 3. The year preceding the maturity of said bonds, the amount thereof and interest to the maturity thereof shall be placed in the budget and raised by tax, and the bonds paid at maturity. The proceeds of the collections and sales on said assessments shall be kept separately and added at the end of the year to the fund after the bonds and interest thereon shall have been fully paid; the surplus, if any there be remaining in the fund, shall be transferred to the general fund.

When amount to be placed in tax budget.

§ 4. This act shall take effect immediately.

CHAP. 291.

AN ACT for grading and planking Delaware avenue, in the city of Albany, from the north line of Warren street to the division line between the city of Albany and the town of Bethlehem, and to provide for the payment of the same.

PASSED May 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

On petition of owners representing three-fourths linear feet frontage on Delaware av., city, to provide for grading and planking same.

SECTION 1. Whenever a petition shall be presented to the common council of the city of Albany, signed by the owners of real estate representing three-fourths of the lineal feet frontage upon Delaware avenue, between Warren street and the division line between the city of Albany and the town of Bethlehem, asking for the grading and planking of the same in accordance with the provisions of this act, the city of Albany shall, in pursuance of the laws of the State of New York, and of the ordinances of said city having reference thereto, provide for the grading and planking of said Delaware avenue, from the north line of Warren street to the division line between said city and the town of Bethlehem, such planking to be of hard wood, not less than eight feet in length and three inches in thickness, laid upon four hard wood stringers, and laid in the road-bed of said avenue; and when said work shall be completed, the city of Albany is hereby authorized to provide for the payment of the cost of the same by a general tax upon the city of Albany, to be provided for in the next annual tax budget of the city of Albany, and collected in the manner provided for the collection of taxes in said city, and when so collected the same shall be used for the payment of the cost of the work herein provided for.

General tax to pay for same.

How work to be done and repaired.

§ 2. The work provided to be done under and by the provisions of this act shall be done, and the plank-road thereafter shall be kept in good condition and repair under contracts to be made, let and entered into by the city of Albany, acting by the board of contract and apportionment thereof, but only after due public notice for bids for such work shall be given. The contracts shall be made for a period of two years, and the contractor shall give a bond with a penalty of twice the aggregate amount to be paid under said contract, with two sufficient sureties, each of whom shall be a freeholder in this State, and shall justify in twice the penalty of the bond. Any owner of land abutting upon the road so to be improved may, from time to time, sue in his name and recover from the contractor, or from the sureties upon his bond, or from all of them, fifty dollars for each and every failure of the contractor to comply with any of the provisions of his said contract, if such failure shall continue for three whole days after written notice specifying the defects in said road shall have been personally served on said contractor, or for five days after a similar notice shall have been deposited in the post-office in the city of Albany, duly inclosed in an envelope, with the proper postage prepaid thereon, directed to said contractor at his place of residence (which residence shall be mentioned in the contract).

Contracts.

Suits against contractor.

After May 1, 1886, expense of road to be paid by owners of

§ 3. This act shall continue in force until May first, eighteen hundred and eighty-six, at and after which time the city of Albany shall be relieved from the further expense of maintaining and keeping in order said road, and the same shall be maintained and kept in order

at the expense of the owners of abutting property, as in the case of the paved streets in the city of Albany. property on same.

§ 4. This act shall not prevent the paving of said road if the adjoining owners shall, at any time, duly petition therefor in accordance with the provisions of the charter of the city of Albany. Not to prevent paving road.

§ 5. This act shall take effect immediately.

CHAP. 292.

AN ACT further to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," and the acts amendatory thereof.

PASSED May 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title three of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby further amended by adding thereto a section in addition to those added by chapter six hundred and eighty-eight of the laws of eighteen hundred and seventy-one, to be numbered section twenty-two as follows: Title 3, chap. 291, Laws of 1870, amended.

§ 22. Whenever any person owning or occupying lands adjoining a highway within the limits of any village incorporated under the provisions of this act shall, with the consent of the trustees of such village, or a majority of them, grade and flag or construct a stone sidewalk within such highway, along the line of such lands so owned or occupied by him, of the width of four or more feet, it shall be the duty of said trustees to examine the same when finished, and to credit such owner or occupant therefor so much on account of his assessment for highway tax in said village, as such trustees shall deem necessary, to pay not to exceed three-fourths of the actual and necessary expense of constructing such sidewalk, and to deliver to such owner or occupant their certificate of the amount of such credit; but such credit shall in no case be less than three dollars per lineal rod for the amount of said walk so constructed and finished. If said trustees find said walk or walks to be of less value than four dollars per lineal rod, then they are to give no credit whatever for the construction of the same. The trustees of such village shall thereafter exempt the owner or occupant of such lands from all highway taxes in said village, till the amount of such exemption shall be equal to the sum of the credit for which said certificate was allowed. Owner who builds stone sidewalks, etc., to be credited three-fourths of costs on account of highway tax. Walk must be worth, at least, $4 per rod.

§ 2. This act shall take effect immediately.

CHAP. 293.

AN ACT to incorporate the Temple Beth Zion, of Buffalo, New York.

PASSED May 14, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Henry Brock, Jacob Altman, Leopold Schwartz, Leopold Marcus, Simon Bergman, Sigmund Levyn. Leman Hofeller, Solomon Rosenau, and Henry Weill, junior, the lawful and acting trustees of the Temple Beth Zion of Buffalo, New York, and all persons who now are or may hereafter become associated with them or their successors, are hereby constituted a body politic and corporate by

Name.

the name and title of the Temple Beth Zion of Buffalo, New York, and as such shall have perpetual succession, and shall be capa-

Corporate powers.

ble of suing and being sued in all courts of record and elsewhere, and of having and using a common seal and of breaking the same at pleasure; and of taking, holding, incumbering and disposing of real, personal and mixed property, as is in the Revised Statutes of the State of New York specifically prescribed in relation to religious societies, and no real property belonging to the said corporation shall be sold or mortgaged unless by direction of the supreme court, to be given in the same manner and in like cases as provided by law in relation to religious incorporations.

Object.

§ 2. The object of such corporation shall be to perpetuate and promote a belief in Judaism and the worship of God according to its particular tenets.

Lawful successor of Temple Beth Zion of Buffalo.

§ 3. Said corporation shall be the lawful successor of the corporation now and heretofore known as the Temple Beth Zion of Buffalo, New York, which said last corporation is incorporated and now exists under the general act for the incorporation of religious societies, and shall succeed to the ownership of all its rights and franchises, to the possessing of its real, personal and mixed estate, and shall assume all its liabilities.

By-laws, etc.

§ 4. The said corporation shall have the power to make, from time to time, such constitution, laws, by-laws, rules and regulations as they shall judge proper for the election of officers, or prescribing their duties, powers and functions, and the mode of discharging the same; for the admission of new members; for regulating and fixing the amount and times of payment of all fees, dues and funds of said corporation; for the arrangement of all the affairs of said corporation; and for suspending, fining or expelling all such of its officers or members as shall, in its judgment, neglect or refuse to comply with any such by-laws, rules or regulations.

§ 5. This act shall take effect on the first day of September, eighteen hundred and eighty.

CHAP. 294.

AN ACT further to amend chapter four hundred and forty-nine of the laws of eighteen hundred and fifty-three, entitled "An act to amend the act incorporating the village of Attica, passed May second, eighteen hundred and thirty-seven, to alter the bounds, and to enlarge the powers of the corporation of said village."

PASSED May 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of title six of chapter four hundred and forty-nine of the laws of eighteen hundred and fifty-three, entitled "An act to amend the act incorporating the village of Attica, passed May second, eighteen hundred and thirty-seven, to alter the bounds and enlarge the powers of the corporation of said village," is hereby further amended so as to read as follows:

Sec. 3, title 6, chap. 449, Laws of 1853, amended.

§ 3. The said trustees shall have power to make, maintain, keep in repair and, from time to time, cleanse all necessary drains, ditches and sewers within said village, and defray the expense thereof, out of the highway taxes, or any other moneys not raised for any other special purpose. They shall also have jurisdiction and control over all the drains, ditches and sewers within said village, whether in or upon the streets and alleys thereof or elsewhere, and may, in their discretion, cause the same, or any of them, or any part thereof, to be kept in repair and, from time to time, cleansed, and the expense thereof paid out of the highway taxes or said other moneys belonging to said village. They may, also, in their discretion, require the owners or occupants of any lands or lots wherever any such drain, ditch or sewer shall be situated, from time to time, to repair and cleanse the same upon their respective premises, as shall be directed by the trustees, and in default thereof, said trustees may cause it to be done, and assess the expense thereof upon such lands or lots, and collect the same from the owners or occupants thereof as other taxes are assessed and collected in said village, or they may cause the same to be collected from said owners or occupants by suit in the name of the corporation of said village. The said trustees are also hereby authorized and empowered to construct sewers through, and along the line of any streets or alleys in said village, of sufficient capacity for surface and cellar drainage, and to make a just and equitable assessment for three-fourths of the cost and expense thereof, among and upon the owners, occupants and others interested in all the lots to be benefited thereby, in proportion, as nearly as may be, to the benefit or advantage which each shall be deemed to acquire, or to have acquired thereby, and shall appoint three disinterested freeholders, residents of said village, to make every such estimate and assessment, who, before they enter upon their trust, shall be duly sworn by a justice of the peace in the county of Wyoming, to make the said estimate fairly and impartially according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment, being returned to the board of trustees and ratified by them, shall be binding and conclusive upon the owners, occupants and others interested in such lots, and the said assessment so certified shall be a tax upon such owner or owners, and a lien upon such lots or grounds, and

Trustees to have power to keep, repair, etc., drains, etc.

Jurisdiction over same.

May require owner to repair and cleanse drains, etc.

May construct sewers.

Assessors to make estimate and apportionment.

the said assessment shall be collected in the same manner and with the fees prescribed in this act for the collection of the general tax in said village. Every person acting as such assessor shall receive two dollars for each day actually employed thereat. The other one-fourth of the cost and expense of all sewers constructed under the provisions of this section shall, by the said trustees, be raised, levied and collected by a tax, upon the taxable inhabitants and property in said village, in the same manner as the moneys for the construction and repair of side and cross-walks in said village are raised, levied and collected. And the said trustees are hereby authorized to raise, levy and collect the amount of said one-fourth of the cost and expense of any and all sewers so constructed, in addition to, and in excess of, any and all sums of money now authorized to be raised, levied and collected by them, the said trustees.

Compensation.

One-fourth expense to be borne by village.

§ 2. This act shall take effect immediately.

CHAP. 295.

AN ACT to authorize the supervisor of the town of Attica, in Wyoming county, to purchase lots of the Attica Cemetery Association, and to remove to and reinter therein, the bodies now remaining in the old burial ground, in the village of Attica, to sell said old burial ground, and to defray the expenses of removing the bodies therefrom and reinterring the same in new grounds.

PASSED May 14, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervisor authorized to purchase suitable ground for burial of bodies interred in old burial ground.

SECTION 1. The supervisor of the town of Attica, in the county of Wyoming, in the State of New York, is hereby authorized and empowered to purchase suitable and sufficient grounds, of and from the Attica Cemetery Association, in the said town of Attica, and to cause the bodies interred in and now remaining in the old burial ground on Exchange street, adjoining the grounds now used and occupied by the New York, Lake Erie and Western Railway Company, in the village of Attica, in said county of Wyoming, to be taken up, removed to, and properly reinterred in, such grounds as said supervisor shall procure for such purpose; but no such removal of bodies shall be made until after at least thirty days' notice shall be given, by said supervisor, of his intention to make the same, such notice to be made and given by the printing thereof in all the newspapers published in the said town of Attica, for four weeks prior to the day named for making such removals, as aforesaid. In making such removals, provisions shall be made that the bodies so removed shall each, when distinguishable, be inclosed in a separate box, or coffin, and every monument, head-stone, foot-stone, slab, board, or other distinguishing mark, shall be carefully removed and placed with the body with which it is connected; and properly set up, at the time of the reinterment of such body, and members of the same family shall be placed in contiguous graves.

Notice of removal to be given.

How removal to be made.

Supervisor to sell old burial ground.

§ 2. The said supervisor, after such removals of the bodies as aforesaid, is authorized and directed to sell at private or public sale the old burial ground and premises from which the bodies shall have been

removed as aforesaid, and to convey the same by good and sufficient deed or deeds, to be executed by him, to the purchaser or purchasers thereof. The said supervisor is authorized to use the moneys derived from the sale of said old burial ground in payment for other grounds purchased by him, and for the expenses of removal and reinterment therein, of the bodies so removed from said old burial ground, and in case said moneys so derived from said sale shall be insufficient for fully and properly carrying out such purposes as aforesaid, then, and in such case, said supervisor of the town of Attica shall make a just and full statement of such deficiency to the board of supervisors of said county of Wyoming, at the first regular meeting thereof, after such deficiency shall have been ascertained and determined, and the amount of such deficiency shall, by said board of supervisors, be levied upon the taxable property of said town of Attica and collected and paid over to the supervisor of said town of Attica, or upon his order for the use and purposes aforesaid.

Proceeds of sale, how to be used.

Tax upon town for deficiency.

§ 3. This act shall take effect immediately.

CHAP. 296.

AN ACT releasing all the right, title and interest of the people of the State of New York in and to certain tracts or parcels of land to Peter M. Biegen.

PASSED May 15, 1880, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the people of the State of New York in and to the following tracts and parcels of land, namely: All that parcel of land in the village of Dobbs Ferry, town of Greenburgh, county of Westchester, now or formerly below high-water mark on the Hudson river, bounded and described as follows, namely: On the east by the original line of high water, along the lands conveyed to Peter M. Biegen by Christian Ramseyer and wife by deed, dated the sixth day of October, eighteen hundred and fifty-three, and recorded in the register's office of Westchester county, in liber two hundred and forty-seven, page three hundred and sixty, and by Maria B. Kitching and husband by deed dated the fifth day of September, eighteen hundred and sixty-eight, and recorded in liber six hundred and ninety-four, page fifty-nine; on the north by line running south seventy-six degrees and forty-five minutes east, which being extended will pass through the point in the westerly line of Second street, where it would be cut by a continuation of the southerly line of Cedar street, as the said streets are laid down on Winfield's map of Livingston's Landing; on the west by the westerly line of the property of the New York Central and Hudson River Railroad Company, and on the south by the southerly line of the lands conveyed as above to said Peter M. Biegen by Maria B. Kitching, and by a continuation of the same, subject, however, to all the rights of the New York Central and Hudson River Railroad Company in and to the said premises, hereby granted. Also all that land now or formerly below the line of high water adjoining the parcel above described and bounded and described as follows, namely: Beginning at a point in the westerly line of the railroad property above mentioned where said line would be intersected by a

Interest of State released.

Description of lands.

Id.

line running south seventy-six degrees and forty-five minutes east from a point in the westerly line of Second street where the same would be
Id. met by a continuation of the southerly line of Cedar street as the said streets are laid down on a map of the village of Livingston's Landing, by H. Winfield, filed in the office of the register of Westchester county, numbered five hundred and thirty-nine; running thence north seventy-six degrees and forty-five minutes west two hundred and sixty-five feet; thence south fourteen degrees and thirty minutes west two hundred and sixty-five feet; thence south seventy-six degrees and forty-five minutes east two hundred and sixty-five feet to the said line of the railroad property; thence along the said line north fourteen degrees and thirty minutes east two hundred and sixty-five feet to the place of beginning, including the lands described in letters patent issued to Peter M. Biegen, dated the nineteenth day of January, eighteen hundred and fifty-eight, and other letters to said Peter M. Biegen, dated the twenty-sixth day of September, eighteen hundred
Id. and seventy-four. And also all that land in the city of Yonkers, county of Westchester, now or formerly below the line of high water in the Hudson river, bounded and described as follows, namely: Be-
Id. ginning at the north-easterly corner of lands described in letters patent issued to Rich and Scrymser, dated the fourteenth day of August, eighteen hundred and fifty-one, running thence along the northerly line of said lands north sixty degrees and fifty minutes west one hundred and fifty feet; thence along the line of lands described in letters patent issued to James R. Radford and Edward N. Radford, dated the sixteenth day of June, eighteen hundred and seventy; north sixty-eight degrees and thirty-seven minutes west eighty-seven feet; thence along the same south twenty-one degrees and twenty-three minutes west one hundred and thirty feet; thence along the same south sixty-eight degrees and thirty-seven minutes east thirty-five feet; thence along the same and crossing the land granted as above mentioned to Rich and Scrymser, south sixty-four degrees and five minutes east one hundred and ninety feet to the westerly line of the New York Central
Id. and Hudson River Railroad Company; thence south sixty-seven degrees and fifty minutes east to the original line of high water; thence northerly along said line to a point which bears south fifty-three degrees and five minutes east from the point of beginning; thence north fifty-three degrees and five minutes west to the place of beginning; thence north fifty-three degrees and five minutes west to the place of beginning;* subject, however, to all rights of the above-mentioned railroad company in or to the above premises hereby granted; subject, also, to all rights of the city of Yonkers in and to the streets laid out upon said premises, is hereby released to Peter M. Biegen, his heirs and assigns forever.

Not to impair vested rights.

§ 2. This act shall not apply to or in any way affect the right of any judgment creditor, mortgagor or any other person or corporation who may have any legal or equitable claim, title or interest in, to or upon said tracts of land, or either of them, or of any part or portion thereof. Nor shall it apply to or affect any of the rights or privileges in and to said premises, or any part thereof, of the New York Central and Hudson River Railroad Company.

§ 3. This act shall take effect immediately.

* So in original.

CHAP. 297.

AN ACT appropriating money to pay certain awards made by the canal appraisers, and the interest thereon, and to pay counsel and witnesses employed and subpœnaed in behalf of the State.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The following sums are hereby appropriated out of any unexpended moneys in the treasury belonging to the canal fund, and standing to the credit of the fund "for the enlargement of the Erie, the Oswego, the Cayuga and Seneca canals, and for the completion of the Black River and Genesee Valley canals, and for other purposes," for the following objects, to wit: The sum of five thousand four hundred and eleven dollars and fifty-nine cents, to pay the certificates issued for the awards made by the canal appraisers during the calendar year of eighteen hundred and seventy-nine, or the awards made by the canal board in lieu thereof on appeals from the original awards, or by the canal appraisers on any rehearing thereof, in favor of the following claimants, and for the amounts stated, except when reduced or modified by the canal board, namely: Phineas Abbe, one hundred and twenty dollars; John G. Braitmayer, one hundred and fifty dollars; Roswell Camp, second, one hundred and seventy-two dollars; Jacob F. Catlin, ninety-four dollars and fifty cents; Peter Dunn, one hundred and thirty dollars; Nathaniel S. Finley and Edward Barton, sixty-one dollars; Catharine Gaille, seventy-five dollars; Joseph Greenfield, two hundred and twenty dollars; Cornelius Groesbeck, one hundred and fifty dollars; Jesse Hollister, three hundred and thirty-six dollars and fifty-eight cents; John Nagle, thirty-five dollars John Holmes, eighty-nine dollars; Arthur B. Johnson and Henry H. Fish, assignee of Abram E. Culver, seven hundred and thirty-two dollars; John Jagelar, seven hundred dollars; Elizabeth Morse and Charles G. Miller, nine hundred and eighty-three dollars and one cent; John F. and Grant Mersereau, minors, by Samuel Probasco, their guardian, one hundred and twenty-five dollars; John Nagle, thirty-five dollars; Henry B. Ogden, one hundred dollars; Buel Race, three hundred dollars; Eliza Riley, one hundred and two dollars; Charles Rodman, forty dollars; Frank Shearer, four hundred and forty-four dollars and fifty cents; Harvey J. Tracey, eighty dollars; William A. Tyler, seventy-two dollars; William Wall, one hundred dollars. To pay the interest on foregoing awards, or the sums awarded in lieu thereof, the sum of three hundred and twenty-five dollars, or so much thereof as may be necessary, to pay Ray, Bannister & Company, the amount awarded them by the canal appraisers, thirtieth September, eighteen hundred and sixty-nine, the sum of eight hundred and eighty-four dollars, and for interest due thereon, twenty-four dollars and fifty-six cents. The sum of fifteen thousand two hundred and fifty-nine dollars and seventy-eight cents to pay the amounts which have been awarded to counsel by the canal board for services rendered and disbursements incurred in defending the State in favor of the following parties, and for the amounts stated, namely; J. C. Saunders, one thousand and twenty dollars and forty-one cents; Magone and Sawyer, twenty-three hundred dollars; W. P. Cantwell, eighteen hundred and

To pay awards by canal appraisers.

Persons to whom awards have been made.

Id.

Interest.

To pay counsel.

Names of.

seven dollars and fifty-six cents; W. & J. D. Kernan, four hundred and sixteen dollars and sixty-two cents; Samuel S. Edick, two thousand two hundred and eleven dollars and seventy-five cents; Wilbur M. Brown, survivor of Mitchell and Brown, five thousand eight hundred and eighty-three dollars and forty-four cents; George C. Green, one thousand six hundred and twenty dollars. To pay witness' fees, the counsel and other agents employed by the superintendent of public works and the canal appraisers for their services, disbursements and expenses incurred in defending claims against the State connected with the canals, the sum of ten thousand dollars; provided, however, that all bills or accounts for such services, disbursements and expenses shall, after the passage of this act and before payment, be presented to and approved by the canal board.

Witnesses' fees, etc.

Act, how to be construed.

§ 2. Nothing in this act contained is designed, nor shall it be so construed, to legalize any award for the payment of which appropriation is herein made; to waive any defense which the State may have to such award, whether of jurisdiction in the officer making the same or otherwise, or to authorize the payment of any award when there is evidence tending to show it was improperly made or obtained through fraud.

§ 3. This act shall take effect immediately.

CHAP. 298.

AN ACT to protect the rights of citizens of this State owning and holding claims against other States.

PASSED May 15, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Citizens of this State holding claims upon written obligation against any other State, may assign same to attorney-general.

Assignment to be in writing, etc.

Guaranty of expenses of collection.

SECTION 1. Any citizen of this State, being the owner and holder of any valid claim against any of the United States of America, arising upon a written obligation to pay money, made, executed and delivered by such State, which obligation shall be past due and unpaid, may assign the same to the State of New York, and deliver the assignment thereof to the attorney-general of the State. Such assignment shall be in writing, and shall be duly acknowledged before an officer authorized to take the acknowledgment of deeds, and the certificate of such acknowledgment shall be duly indorsed upon such assignment before the delivery thereof. Every such assignment shall contain a guaranty, on the part of the assignor, to be approved by the attorney-general, of the expenses of the collection of such claim, and it shall be the duty of the attorney-general, on receiving such assignment, to require, on behalf of such assignor, such security for said guaranty as he shall deem adequate.

Attorney-general to bring action and prosecute same to final judgment.

§ 2. Upon the execution and delivery of such assignment in the manner provided for in section one of this act, and furnishing the security as in said section provided, and the delivery of such claim to him, the attorney-general shall bring and prosecute such action or proceeding in the name of the State of New York, as shall be necessary for the recovery of the money due on such claim, and the said attorney-general shall prosecute such action or proceeding to final judgment, and shall take such proceedings after judgment as may be necessary to effectuate the same.

§ 3. The attorney-general shall forthwith deliver to the treasurer of the State, for the use of such assignor, all moneys collected upon such claim, first deducting therefrom all expenses incurred by him in the collection thereof, and said assignor, or his legal representatives, shall be paid said money by said treasurer upon producing the check or draft therefor of the attorney-general to his or their order and proof of his or their identity. Moneys collected to be delivered to treasurer and paid over to assignor, less expenses of collection.

§ 4. This act shall take effect immediately.

CHAP. 299.

AN ACT to amend chapter one hundred and fifty of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the city of Kingston."

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of chapter one hundred and fifty of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the city of Kingston," is hereby amended so as to read as follows: Sec. 15, chap. 150, Laws of 1872.

§ 15. At said first election there shall be elected three assessors, whose respective terms of office shall be determined by lot, by the common council, at their first meeting, as to which one shall hold for one year, which for two years, and which for three years; and thereafter an assessor shall be elected at each annual city election, who shall hold his office for three years; not more than one assessor shall be a resident of any one department as hereinafter provided. The compensation of each assessor for performing all the duties prescribed and specified in the said act, in relation to the assessment of property within the city, as well as for the purpose of levying the taxes imposed by the supervisors of Ulster county, as by the common council of the city of Kingston, and for the making and levying of all special assessments as provided in the said act, shall be fixed by the common council and shall not exceed the sum of three hundred and fifty dollars a year. Election of assessors. Compensation.

§ 2. Section ninety-eight of the said act is hereby amended so as to read as follows. Sec. 98, amended.

§ 98. The common council shall have power to cause any street, alley, lane, highway or public ground, or any part or parts thereof in said city, to be graded, paved or repaired, and to cause crosswalks, drains, sewers or culverts to be constructed, made, relaid, amended or repaired, and to determine by resolution what part or portion, if any, not exceeding twenty-five per centum of the expenses of such grading, paving, sewers, or culverts, made or directed under this section, shall be paid by a general tax upon the city, and such part or portion of such expense shall thereupon become a charge upon the city, and shall be added to and raised with the next general assessment and tax for city purposes, and what part or portion of said expenses shall be defrayed by special assessment upon such portions of the real estate in said city, and against the owners and occupants thereof, as the assessors of said city shall deem more immediately benefited by such improvement. No part of the expense of grading or paving a street shall be assessed upon any lands not bordering on or touching said street. Grading, paving, etc., of streets, etc. Expense to be paid partly by general tax on city. Partly by assessment against owners of property benefited.

Certificate of special assessment.

If the common council shall determine and assess the whole or any part of such expense by such special assessment, the said assessors upon being notified so to do, shall forthwith proceed to make a certificate of such special assessment, entering thereon the names of the owners or occupants of the lands assessed, and what parcels are owned by non-residents, according to their best information, and the name of any corporation or association owning any of the lands; they shall make a just and equitable assessment of the amount fixed by the common council against said owners or occupants, and upon the lands deemed to be benefited, assessing each parcel in proportion to the benefits they deem it to receive, and shall enter in the said certificate a brief but careful description of each parcel assessed and the sum assessed upon it. When such certificate is completed, they shall fix a time and place of meeting to correct the same, and shall give notice thereof, stating where said certificate can in the mean time be seen and examined, by publishing such notice once in each of the newspapers printed in said city designated by the common council for the publication of official notices. At the time and place so appointed, the said assessors shall meet and hear all persons appearing before them who conceive themselves aggrieved in relation to said assessment, and after such hearing, shall make such corrections, if any, in the said certificate, as will in their judgment render the said assessment more just and equitable. When said certificate shall be thus corrected, or when the assessors, after such hearing, shall have decided that it needs no correction, the said assessors shall deliver the same and a duplicate thereof, signed by all, or a majority of them, to the said common council, and the same shall be so delivered in twenty days from the first meeting of said assessors to make the assessment; but such time may be extended by the common council. Any person conceiving himself aggrieved by the assessment shall have the right to be heard in relation thereto before the common council at their first regular meeting after the delivery of the certificate, as aforesaid, and at their second regular meeting after such delivery, the common council shall either confirm such assessment or annul the same. If they confirm the same, it shall be final and conclusive on all parties and persons interested; but if they annul the same, then all the proceedings of the assessors in relation thereto shall be void, and new proceedings may be taken in the matter in the manner prescribed in this section. When any assessment under this section shall be confirmed by the common council, the said certificate thereof and a duplicate shall be thereupon filed with the clerk, and shall both be deemed originals, to one of which shall be annexed the warrant for the collection of said assessment, and to the other a copy of said warrant with a receipt of the treasurer for such certificate and warrant. And all necessary cost and expenses of making such assessment (except the compensation of the said assessors) shall be ascertained and audited by the said common council, and by them added to and made a part of the said assessment; and the whole amount assessed shall be collected in the manner and with the fees prescribed in this act for the collection of the general city tax. When the grade of a street has been established and the street graded accordingly, the grade shall not be changed and the street graded according to the changed grade, except upon petition to the owners of a majority of the lineal feet fronting on the part of the street to be graded, nor unless compensation be made to the owners of property injured by the regrading. Such compensation to be determined by agreement or by three sworn commis-

Meeting to correct same.

Hearing of person aggrieved.

Corrected certificate to be delivered to common council.

Hearing before council.

If confirmed, by council, to be final.

Costs, etc., to be added to assignment.

Grade not to be changed, except on petition, etc.

sioners to be appointed by the county judge of Ulster county, or a justice of the supreme court, and to be assessed, as in this section provided, as a part of the expense of said grading.

§ 3. This act shall take effect immediately.

CHAP. 300.

AN ACT to amend chapter two hundred and forty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act in relation to the acknowledgment by married women of deeds and other written instruments."

PASSED May 15, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and forty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act in relation to the acknowledgment by married women of deeds and other instruments," is hereby amended so as to read as follows:

Sec. 1, chap. 249, Laws of 1879, amended.

§ 1. The acknowledgment by married women or the proof of the execution by married women of deeds or other written instruments may be made, taken and certified in the same manner as if they were sole; and all acts and parts of acts which require from them any other or different acknowledgments, proofs or certificates thereof are hereby repealed.

Acknowledgments of married women.

§ 2. This act shall take effect immediately.

CHAP. 301.

AN ACT to amend the Code of Civil Procedure.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventeen hundred and eighty-six of the Code of Civil Procedure is hereby amended so as to read as follows:

Sec. 1786, amended.

§ 1786. An action specified in the last section may be maintained by the attorney-general in the name and in behalf of the people; and whenever a creditor or stockholder of any corporation submits to the attorney-general a written statement of facts, verified by oath, showing grounds for an action under the provisions of the last section, and the attorney-general omits, for sixty days after this submission, to commence an action specified in the last section, then, and not otherwise, such creditor or stockholder may apply to the proper court for leave to commence such an action, and on obtaining leave may maintain the same accordingly.

Action by attorney-general.

When a creditor or stockholder may apply to court for leave to commence an action.

§ 2. Section two thousand and eleven of the Code of Civil Procedure is hereby amended so as to read as follows:

Sec. 2011, amended.

§ 2011. A writ shall not be issued, by virtue of either of the last three sections, to bring up a prisoner, sentenced to death. Nor shall

Writ not to issue to bring up

prisoner under death sentence, nor for felony, except on application of people.

it be issued to bring up a prisoner confined under any other sentence for a felony; except where the application is made, in behalf of the people, to bring him up as a witness on the trial of an indictment, and then only by and in the discretion of a justice of the supreme court or a judge of a superior city court, upon such notice to the district attorney of the county wherein the prisoner was convicted, and upon such terms and conditions, and under such regulations, as the judge prescribes.

§ 3. This act shall take effect on the second day of September next.

CHAP. 302.

AN ACT to authorize cities and incorporated villages to charge license fees to persons doing a retail business on the canals of this State.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village authorities may charge and collect license fee on sale of all goods, except farm products.

SECTION 1. It shall hereafter be lawful for the authorities of any city or incorporated village, in this State, to charge and collect a license fee from all persons doing a retail business in the sale of goods of any description, except products of the farm and unmanufactured products of the forest, from canal boats in the canals of this State within the limits of such cities or villages. The authorities of such cities or villages shall have power to fix the amount to be charged for such licenses at such sum as in their discretion they may deem just. They shall also have power to enforce the collection of such license fees in the same manner as they are now severally authorized to do by law.

Act, how to be construed.

§ 2. Nothing in this act contained shall be held or construed to conflict in any manner with the provisions of title four of chapter seventeen of part one of the Revised Statutes.

§ 3. This act shall take effect immediately.

CHAP. 303.

AN ACT to authorize the sale of subdivision number fifteen of block number twenty-seven, in the third ward, and a part of subdivision eighteen of block number one hundred and forty-eight, in the sixth ward, of the city of Oswego.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City may sell certain real estate described.

SECTION 1. The city of Oswego is hereby authorized and empowered to sell subdivision number fifteen of block number twenty-seven, in the former village of West Oswego, now third ward of the city of Oswego, being the premises formerly occupied by hose company number eight, and also that part of subdivision number eighteen of block number one hundred and forty-eight, in the former village of East Oswego, now sixth ward of the city of Oswego, and described as a parcel

thirty-six feet square, the south line or side of which is thirty feet north from the corner of Tenth and Utica streets, and bounded on the west by Tenth street and by parallel lines, being the premises formerly known as engine house number six, or either or both, as may seem proper and advisable to the common council of said city of Oswego. Said sale shall only be made pursuant to a resolution of the common council of said city, at a regular or special meeting thereof, and it shall be necessary that the mayor and two-thirds of all the aldermen elected of said city vote in favor of said resolution. Sale, how to be made.

§ 2. When the terms of such sale or sales, or either of them, have been fully agreed upon and the purchase-price or prices have been received or secured to be paid, then the mayor of the city of Oswego is hereby directed and authorized to execute conveyances of said property in fee simple, over the seal of the city and attested by the clerk, to the party or parties purchasing the same. When mayor to execute conveyance.

§ 3. The purchase-money received from the sale of said property shall be paid to the treasurer of the city, and by him placed to the credit of the fire department fund. Purchase-money to be credited fire department fund.

§ 4. This act shall take effect immediately.

CHAP. 304.

AN ACT to release the right, title and interest of the people of the State of New York of, in and to certain real estate of which George Johnson died seized to Catharine Johnson, his widow.

PASSED May 15, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the people of the State of New York in and to the following described real estate, namely: All that lot of land situate in the village of Broadalbin, in the town of Broadalbin, in the county of Fulton and State of New York, and bounded as follows: Northerly on the old paper mill lot, formerly owned and occupied by David J. Montieth; easterly on land of Isaac Wetherbee; southerly and westerly on the highway, containing about one-half acre of land, with the appurtenances thereunto belonging, whereof George Johnson died seized, is hereby released to Catharine Johnson of said town, widow of George Johnson, her heirs and assigns forever. Interest of State released. Premises.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any purchaser, heir at law or devisee, or of any creditor by mortgage, judgment or otherwise in the said real estate. Not to impair vested rights.

§ 3. This act shall take effect immediately.

CHAP. 305.

AN ACT to authorize and facilitate the construction and improvement of sidewalks in the streets of unincorporated villages, and the application of highway labor thereto.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Highway tax commutation, etc., may be expended on sidewalks in unincorporated villages.

SECTION 1. The commissioners of highways of any of the towns in this State may, from time to time, authorize such part of the highway labor assessed upon the inhabitants and property of any unincorporated village within the limits of any road district, as in their judgment is expedient and proper, and not necessary for the maintenance of the highways therein to be performed, or the commutation moneys received therefor expended by and under the direction of the overseer of highways for such district, in the construction, repairs, and improvement of sidewalks within the limits of such village; and for such purpose may also, from time to time, by writing signed by them, or a majority of them, and filed with the town clerk of such town, authorize such proportion of the highway labor of such village as in their judgment is not needed for the annual repairs of the highways therein, to be anticipated for one or more years not exceeding three, and thereupon any person or corporation, resident of or owning property within such village, and assessed for highway labor in the district in which such village is situated, may, in the year so designated in such order, anticipate his, her or its assessment for highway labor, for such time as he, she or it may see fit within the limits so prescribed by the commissioners, and may perform the labor so anticipated under the direction of such overseer within such year, or commute therefor to such overseer.

Certificate of work done, etc., to be given by overseer.

§ 2. It shall be the duty of such overseer to give to such person or corporation, upon the performance of such labor or commutation therefor, a certificate signed by him, showing the number of days' labor so anticipated and worked or commuted for by such person or corporation; and in each succeeding year, upon presentation of such certificate, such person or corporation shall be credited and allowed by the overseer of highways with the performance of the number of days' labor so assessed to him, her or it for such year, until such credit shall equal the number of days so stated in such certificate to have been anticipated, and shall indorse thereon a statement signed by him showing such credit and allowance.

Certificate may be transferred to grantee of real estate.

§ 3. Upon a transfer of any real estate, upon or for which assessments for highway labor may have been so anticipated and worked or commuted for, the certificate mentioned in section two may also be transferred to the grantee of such real estate, and the provisions of said section shall apply thereto, and such certificate shall be operative and have the same effect in favor of the then owners of such real estate as in the hands of the original owner thereof; and upon the death of any person then owning property, real or personal, upon which the highway labor has been anticipated, such certificate shall in like manner be operative and have the like effect in favor of the devisees, legatees, heirs or personal representatives of the deceased, who may be the then owner of such property, or any part thereof, and assessed for highway labor thereon.

§ 4. This act shall take effect immediately.

CHAP. 306.

AN ACT to amend chapter six hundred and twenty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Nassau, in the county of Rensselaer."

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter six hundred and twenty-eight of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Nassau, in the county of Rensselaer," is hereby amended so as to read as follows: Sec. 2, chap. 628, Laws of 1866, amended.

§ 2. All the freeholders and inhabitants residing within the said limits shall be and they are hereby ordained and constituted, and declared to be from time to time and forever hereafter a body politic and corporate, by the name and style of the trustees of the village of Nassau, and by that name they and their successors, forever, shall and may have perpetual succession, and be capable of suing and being sued, defending and being defended, in all courts and places whatsoever and in all manner of actions, causes and complaints whatsoever; and they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of said village, and of erecting any buildings and aqueducts, digging any reservoirs for water for the use of said village, and keeping in repair such buildings, aqueducts, and reservoirs; of purchasing and keeping in repair fire engines, ladders and other instruments for extinguishing fires; erecting hay scales, widening and laying out streets, making, repairing and paving walks, and of raising a sum by tax, not exceeding the sum of one thousand dollars in any one year, for the purposes aforesaid; provided that said trustees shall not raise more than two hundred and fifty dollars for said purposes, or either of them, or for contingent expenses, in any one year, unless authorized so to do by vote of a majority of the inhabitants of said village present and voting at the annual meeting aforesaid, or at a special meeting, called by said trustees for the purpose, the object and amount proposed to be raised being specified in the call for such special meeting, and the said call being posted in at least five public places in said village at least eight days prior to the time appointed for said meeting. And provided further that the said trustees shall not be empowered to make, lay out or widen any streets within the bounds of said village, without the consent of the owners of the ground to be appropriated for laying out or widening the same, or paying to such owners the amount of damages, which they may sustain by such widening. And in case said owner or owners shall refuse to grant said lands for the purposes aforesaid, or shall refuse to accept such compensation as may be offered by said trustees therefor, then the amount of said damages shall be ascertained and the demand of said trustees shall be considered by three impartial and sworn commissioners, to be appointed by the county court for the county of Rensselaer, upon the application of said trustees, after due notice to the adverse parties, to be served in such manner as such court shall direct; the report of said commissioners to be final.

Corporators.

Name.

Powers.

Seal.

General corporate powers.

Proviso as to amount of tax.

Vote may be taken as to amount to be raised by tax.

Proviso as to power to lay out streets, etc.

Damages of owners, how to be ascertained.

§ 2. Section sixteen of said act is hereby amended so as to read as follows:

Trustees to prescribe manner of repairing highways, etc.

§ 16. The trustees of said village shall have power and it shall be their duty to prescribe the manner of repairing highways, streets and alleys and laying out the moneys raised for highway purposes therein, and shall exercise all the powers and perform all the duties of commissioners of highways within the limits of said village in like manner and with like effect as commissioners of towns, and are hereby authorized to assess upon each male inhabitant of said village of the age of twenty-one years and upwards, not less than one nor more than two days' service and labor upon the highways, streets and alleys of said village over and above the assessment upon real and personal property, and to require all highway assessments to be commuted for the sum of one dollar for each day so assessed to each person; and every person so assessed and having received one day's notice from the street commissioner of said village to appear and perform such service and labor aforesaid, and who shall not commute when so required shall forfeit the sum of one dollar and twenty-five cents for each day so assessed, to be collected by such street commissioner in accordance with the provisions of article third, title one, chapter sixteen of the first part of the Revised Statutes. Nothing in this act shall be construed to prohibit said trustees levying a poll tax for and on account of labor and improvements in the streets of said village; but said trustees shall and may assess every male inhabitant over the age of twenty-one years, a yearly amount not exceeding that prescribed by the law relative to highways, nor exceeding the ratio of assessment which may be fixed by said trustees for said purposes. Said assessments to be collected and paid to the treasurer of said village as hereinbefore prescribed. And the said trustees, in addition to the foregoing powers conferred upon them by this act, may in their discretion, in lieu of allowing the same to be worked out by the person or persons so assessed, levy and collect a direct tax in money for the repairing of highways, streets, alleys and sidewalks in said village, in which said assessment each day poll tax and each day property tax in such case to be deemed and reckoned at one dollar per day and the same to be assessed and collected as provided by section thirteen of this act.

Assessments for highways.

Commutation.

Penalty for not approving and working.

Poll tax.

Direct tax may be levied for highways in lieu of work.

§ 3. This act shall take effect immediately.

CHAP. 307.

AN ACT to amend chapter seventy of the laws of eighteen hundred and fifty-eight, entitled "An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district," and also, to amend chapter five hundred and fifty-six of the laws of eighteen hundred and sixty-eight, entitled "An act to amend the charter of the village of Olean," and supplemental thereto.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, title

SECTION 1. Section two of title one of chapter seventy of the laws

of eighteen hundred and fifty-eight, entitled "An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district," is hereby amended so as to read as follows: 1, chap. 70, Laws of 1858, amended.

§ 2. The said village shall be divided into five wards, each ward to comprise the territory and be numbered as follows: All that part of said village bounded east by the center of Union street; north by the center of State street; west by the center of Seventh street, and south by the south bounds of said village shall be the first ward. All that part of said village bounded east by the east bounds of said village; north by the center of State street; west by the center of Union street; and south by the south bounds of said village shall be the second ward. All that part of said village bounded east by the east bounds of said village; north by the north bounds of said village; west by the center of Union street; and south by the center of State street shall be the third ward. All that part of said village bounded east by the center of Union street; north by the north bounds of said village; west by the center of Seventh street, and south by the center of State street shall be the fourth ward. All that part of said village lying and being west of the center of Seventh street shall be the fifth ward. Wards. First ward. Second. Third. Fourth.

§ 2. Section one of chapter five hundred and fifty-six of the laws of eighteen hundred and sixty-eight, entitled "An act to amend the charter of the village of Olean," is hereby amended so as to read as follows: Sec. 1, chap. 556, Laws of 1868, amended.

§ 1. The act to amend an act passed April twenty-first, eighteen hundred and sixty-two, to amend an act passed April first, eighteen hundred and fifty-eight, to incorporate the village of Olean, is hereby amended by changing the reading of section two, title six of said act, as follows, viz.: The said board of trustees shall have power to assess the taxable property and inhabitants of said village, annually for highway purposes, a sum not exceeding two thousand dollars, and in addition to said sum of two thousand dollars, each male inhabitant of the age of twenty-one years and upward one dollar each year, and the tax so raised for highway purposes shall be appropriated under the direction of the said board of trustees to the working and improving of the roads, streets, lanes, alleys, bridges and crosswalks of said village. Annual highway tax.

§ 3. The western boundary line of the village of Olean shall hereafter be as designated by section one of title one of chapter seventy of the laws of eighteen hundred and fifty-eight. Western boundary of village.

§ 4. This act shall take effect immediately.

CHAP. 308.

AN ACT to amend chapter sixteen of part one of the Revised Statutes, in relation to highways and bridges.

PASSED May 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of article one, title one, chapter sixteen of part one of the Revised Statutes is hereby amended so as to read as follows: Sec. 13, art. 1, title 1, chap. 16, part one, amended.

Overseer, compensation of, etc.

§ 13. If any overseer shall be employed more days in executing the several duties enjoined on him by this chapter than he is assessed to work on the highway, he shall be paid for the excess at the rate of twelve and a half cents per hour for each day, and be allowed to retain the same out of the moneys which may come into his hands for fines under this chapter, but he shall not be permitted to commute for the days he is assessed.

Sec. 35, amended.

§ 2. Section thirty-five of said chapter is hereby amended so as to read as follows:

Commutation, rate of.

§ 35. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed, but every such person other than an overseer may elect to commute for the same, or for some part thereof, at the rate of twelve and a half cents per hour for each day, in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

Sec. 38, amended.

§ 3. Section thirty-eight of said chapter is hereby amended so as to read as follows:

May appear in person or by substitute. Hours of work.

§ 38. Every person assessed to work on the highways and warned to work may appear in person, or by an able-bodied man as a substitute, and the person or substitute so appearing shall actually work eight hours in each day, unless such person be assessed one dollar and twenty-five cents or more, when such person or his substitute shall be allowed to actually work ten hours in each day, under the penalty of twelve and a half cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

Sec. 39, amended.

§ 4. Section thirty-nine of said chapter is hereby amended so as to read as follows:

Penalty for not working.

§ 39. If any such person or his substitute shall, after appearing, remain idle or not work faithfully, or hinder others from working, such offender shall, for every offense, forfeit at the rate of twelve and a half cents an hour for each day.

Sec. 40, amended.

§ 5. Section forty of said chapter is hereby amended so as to read as follows:

Penalty for neglect to commute or work.

§ 40. Every person so assessed and duly notified who shall not commute, and who shall refuse or neglect to appear as above provided, shall forfeit, for every day's refusal or neglect, at the rate of twelve and a half cents an hour for each day. If he was required to furnish a team, carriage, man or implements, and shall refuse to comply, he shall be fined as follows:

Id. 1. For wholly omitting to comply with such requisition, three dollars for each day of eight hours, and three dollars and seventy-five cents for each day of ten hours.

Id. 2. For omitting to furnish a cart, wagon or plough, one dollar for each day of eight hours, and one dollar and twenty-five cents for each day of ten hours.

Id. 3. For omitting to furnish a pair of horses or oxen, one dollar for each day of eight hours, and one dollar and twenty-five cents for each day of ten hours.

Id. 4. For omitting to furnish a man to manage the team, one dollar for each day of eight hours, and one dollar and twenty-five cents for each day of ten hours.

Sec. 45, amended.

§ 6. Section forty-five of said chapter is hereby amended so as to read as follows:

§ 45. Every penalty collected for a refusal or neglect to appear and work on the highways shall be set off against the assessment upon which it was founded, estimating all moneys collected as a satisfaction at the rate of twelve and a half cents an hour for each day. Penalties collected to be set off against assessment.

§ 7. This act shall take effect immediately.

CHAP. 309.

AN ACT to confirm the official acts of James S. Williams, Endelmer E. Moon, and Theodore S. Cowles, commissioners of excise in and for the town of Tully in the county of Onondaga.

PASSED May 15, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts and proceedings of James S. Williams, Endelmer E. Moon, and Theodore S. Cowles as commissioners of excise in and for the town of Tully, in the county of Onondaga, are hereby declared as valid and of as full effect as if they had executed a proper bond to the supervisors of said town of Tully; but this act shall not affect the rights of any party to any suit or legal proceedings commenced prior to its passage.

§ 2. This act shall take effect immediately.

CHAP. 310.

AN ACT to incorporate the fire department of the village of Waterloo.

PASSED May 15, 1880; three-fifths being present.*

The People of the State of New York, represented in Senate, and Assembly, do enact as follows:

SECTION 1. That all persons who now are, or hereafter shall become members of the fire engine, hook and ladder and hose companies, not exceeding sixty members to each engine company, and thirty members to each hook and ladder company of the village of Waterloo, who, after being duly elected by their respective companies, and confirmed by the board of trustees of said village, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name and style of Waterloo Fire Department, and by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued in all courts, and in all actions within the jurisdiction of the State of New York; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and they and their successors by the name of Waterloo Fire Department are authorized to purchase, receive by gift or otherwise, hold and convey any real or personal property for the use of said corporation, not exceeding in value twenty thousand dollars. Corporators. Name. Powers.

Officers. § 2. The officers of the fire department shall be a chief engineer and four assistants, and one member from each company (to be termed trustees) to be elected at the annual election of officers for the companies, and shall together constitute a board of directors. The chief engineer to act as president and the first and second assistants as vice-presidents, and the third assistant to act as secretary of the board and of the department, and the fourth assistant as treasurer of the same.

Chief engineer and assistants to be elected. § 3. The chief engineer and his assistants shall be elected by the members of the fire department at their annual meeting on the day following the annual village election.

Power of board of directors. § 4. The board of directors of said fire department shall have power to organize new and disband old companies attached to said department and to expel and discharge members for good cause in their discretion, and to direct that certificates of service shall not be issued to members who are dishonorably discharged or expelled.

Meeting of. § 5. The said board of directors shall meet on the second Thursday in the months of March, June, September and December in each year, and the first board of directors under this act shall be Seymour May, chief engineer; George B. Rayner, first assistant engineer; Benjamin F. Selmser, second assistant engineer; James E. Batsford, third assistant engineer and secretary; George W. Smith, fourth assistant engineer and treasurer; Charles R. Morgan, Jourdan W. Deisher, William L. Sweet and James Logan, trustees; to hold their respective offices until others are elected in their stead, according to the provisions of this act. In case of any vacancy in the office of trustee, such vacancy shall be filled by the company in which it occurs, at a special election held for that purpose; in case of a vacancy in the office of secretary or treasurer, such vacancy shall be filled by the board of directors from their number, whose term of office shall hold until the time of the next annual meeting of the department.

Names of.

Vacancies, how filled.

Quorum. § 6. Two-thirds of said board of directors shall constitute a quorum for the transaction of business, and shall have full power to make and prescribe such laws, ordinances and regulations, not inconsistent with the laws of this State, or ordinances of the village of Waterloo, as shall be by them deemed necessary for the proper management of the affairs and the disposition of the funds of said corporation, and shall have full powers to appoint all meetings, both regular and special (except the one hereinafter provided for), and shall also designate one or more days in each year as days of public exercise, inspection and review, and all such other matters as appertain to the business and purposes for which the said corporation is by this act instituted, and for no other purposes whatever.

By-laws, etc.

Elections. § 7. And in case any election shall not be held on that day when, pursuant to this act, it ought to have been held, the said corporation shall not on that account be deemed dissolved, but that it may be lawful to hold such election on any subsequent day agreeable to the ordinances and regulations of said corporation.

Annual meeting of firemen. § 8. The firemen constituting the several fire engine and hook and ladder companies of this corporation shall hold a general meeting at such place as the board of directors shall direct, on the Wednesday following the first Tuesday in March of each and every year, at eight o'clock in the afternoon, to hear the report of the secretary and treasurer, and for the election of the chief engineer and his assistants, and for the transaction of such other business as may be deemed necessary for the interests of this corporation.

§ 9. This act shall take effect immediately.

CHAP. 311.

AN ACT in relation to the Rochester and Lake Ontario Railway Company, to confirm its present route and authorize said company to hold and improve the real estate now held and owned by said company.

PASSED May 17, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The present route of the Rochester and Lake Ontario Railway Company, beginning at or near Bay street, in the city of Rochester and terminating at or near the Sea Breeze, so called, in the town of Irondequoit, in the county of Monroe, is hereby in all respects confirmed the same as if said route had been particularly specified in the original articles of association. Present route conferred.

§ 2. Said railway company is hereby empowered and authorized to hold the title of all the real estate now owned by said company and to improve so much thereof for parks, pleasure grounds and to erect pavilions and other structures thereon as the board of directors of said company may deem necessary. Company authorized to hold real estate and improve the same

§ 3. This act shall take effect immediately.

CHAP. 312.

AN ACT to confirm the title of Frederick J. Buchenberger to certain real estate in the city of Brooklyn purchased by him from the Centenary Universalist Sunday School Society of Brooklyn.

PASSED May 17, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of Frederick J. Buchenberger to certain real estate situate on the westerly side of Nostrand avenue, distant about two hundred and eight feet northerly from DeKalb avenue in the city of Brooklyn and being seventy-five feet in width in front and rear, by one hundred feet in depth on each side, purchased by him from the Centenary Universalist Sunday School Society of Brooklyn, is hereby confirmed in the same manner and with like effect as if all the proceedings for the sale and conveyance of said real estate by said society to said Buchenberger had been in strict conformity with the statutes in such case made and provided, and said proceedings are hereby ratified and made valid in all respects. Title confirmed.

§ 2. Nothing herein contained shall affect any suit or proceeding pending in any court of this state. Not to affect existing suits.

CHAP. 313.

AN ACT to release to Louisa Dodge, Charles Dodge, Edward Dodge, William J. Dodge and Elizabeth King, wife of William King, the interest of the people of the State of New York in and to certain real estate in the village of Gloversville, county of Fulton, of which Charles Dodge died seized.

PASSED May 17, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of State released.

SECTION 1. All the right, title and interest of the people of the State of New York in and to all that certain tract or parcel of land situate in the village of Gloversville, county of Fulton and State of

Description.

New York, and bounded and described as follows: Beginning at the south-west corner of a lot now or formerly belonging to Ward Collins, and running thence northerly along said Colllins' line four rods to lands now or late of George Davis; thence westerly along said Davis' line forty-five feet to lands now or late of James Parker; thence southerly along said Parker's line parallel with the first line four rods to Church street; thence easterly along said street forty-two feet to the place of beginning, whereof Charles Dodge, late of Gloversville aforesaid, died seized, is hereby released to Louisa Dodge, his widow, and Charles Dodge, Edward Dodge, William J. Dodge and Elizabeth King, wife of William King, his children, and they and each of them, their heirs and assigns, are empowered to hold and convey the same as if they were citizens of the United States, and as if the said Charles Dodge had been a natural born citizen of the United States.

Not to impair vested rights.

§ 2. Nothing in this act contained shall be construed to impair or affect the right in the said real estate of any heir at law, devisee, purchaser, or of any creditor of the said Charles Dodge, by mortgage, judgment or otherwise.

§ 3. This act shall take effect immediately.

CHAP. 314.

AN ACT to exempt Fulton county from the provisions and operations of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties."

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Fulton county is hereby exempted from the provisions and operations of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this State and to prescribe their powers and duties."

§ 2. This act shall take effect immediately.

CHAP. 315.

AN ACT to confirm and legalize the acts of the commissioner of highways of the town of Boonville, in building a bridge across Black river near Crandall's mill, in eighteen hundred and seventy-nine, and to confirm and legalize the acts of the town auditors of said town in auditing the bills for the expense thereof.

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of the commissioner of highways of the town of Boonville, in building a bridge across Black river in said town near Crandall's mill, in the year eighteen hundred and seventy-nine, and the costs, charges and expenses incurred by him for that purpose are hereby legalized and confirmed, and the cost of said bridge shall be paid by the said town of Boonville. Acts of commissioner confirmed and costs to be paid by town.

§ 2. The acts of the town auditors of Boonville, in auditing and allowing the bills of such costs, charges and expenses, in the year eighteen hundred and seventy-nine, are hereby legalized and confirmed. Acts of auditors confirmed.

§ 3. This act shall take effect immediately.

CHAP. 316.

AN ACT establishing the salary of the deputy comptroller.

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows;

SECTION 1. The salary of the deputy comptroller is hereby fixed at four thousand dollars per annum, from the first day of June, eighteen hundred and eighty, and the sum of five hundred dollars is hereby appropriated to supply deficiency in said salary. Salary fixed at $4,000.

§ 2. All laws inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 317.

AN ACT to transfer to Cornell University the securities, moneys and contracts constituting and relating to the Cornell endowment fund.

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptoller of the State is hereby authorized and directed upon request of Cornell University, to assign, transfer, pay Comptroller to transfer securities.

and deliver unto said Cornell University all moneys, securities, stocks, bonds and contracts, constituting a part of or relating to the fund known as the Cornell endowment fund, now held by the State for the use of said university.

§ 2. This act shall take effect immediately.

CHAP. 318.

AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and seventy-eight, entitled "An act to improve Flushing avenue, Long Island City."

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, chap. 410, Laws of 1878, amended.

SECTION 1. The first section of chapter four hundred and ten of the laws of eighteen hundred and seventy-eight, entitled "An act to improve Flushing avenue, Long Island City," is hereby amended so as to read as follows:

Commissioners to open, etc., Flushing avenue.

§ 1. William C. Wilson, Jacob Stahl, F. D. Kowenhoven, William Steinway, and W. Remsen Taylor are hereby appointed commissioners without compensation, to open, widen and improve Flushing avenue, from Van Alst avenue to the easterly boundary line of Long Island City. Said commissioners and their successors shall be known as the Flushing avenue improvement commissioners. They shall act as a board of commissioners, and keep minutes of all their meetings and proceedings. A majority of them shall constitute a quorum, and the vote or concurrence of a majority shall be necessary for the execution of any contracts or the transaction of any business. Upon the occurrence of any vacancy or vacancies occasioned by death, resignation, refusal to serve or other disability of any of said commissioners or their successors, such vacancy or vacancies may be filled by the remaining commissioners, and, until so filled, any powers conferred and any duties imposed upon said commissioners may be exercised and discharged by the remaining commissioners or a majority of them. On or before the first Monday of February in each year, said board shall make a written report to the mayor of Long Island City of their proceedings during the year ending with the last day of December previously.

Quorum.

Vacancy.

Annual report.

§ 2. The second section of said act is hereby amended so as to read as follows:

Width of avenue.

§ 2. Said commissioners are hereby authorized, empowered and directed to widen Flushing avenue, within the limits aforesaid, to the uniform width of sixty-five feet, in accordance with and as the same is laid down upon a certain map, filed in the office of the city clerk of Long Island City, on the twenty-eighth day of March, eighteen hundred and seventy-eight, and in the office of the clerk of the county of Queens on the sixth day of May, in the year eighteen hundred and seventy-eight, made by James Otis, civil engineer, dated March twenty-third, eighteen hundred and seventy-eight, entitled "Map showing the lines and grades of Flushing avenue, from Van Alst avenue to the easterly boundary line of Long Island City, Queens county, New York," and to bring said Flushing avenue within said limits and to said width,

and to the grade therefor laid down and shown on another certain map, filed in the office of the city clerk of Long Island City, on the eighteenth day of February, in the year eighteen hundred and seventy-nine, made by James Otis, civil engineer, dated February eighteenth, eighteen hundred and seventy-nine, and entitled "Map showing the lines and grades of Flushing avenue, from Van Alst avenue to the easterly boundary line of Long Island City, Queens county, New York." Said commissioners and their successors are also authorized, empowered and directed to curb and flag said Flushing avenue, and to lay bridge stones across all intersecting streets and avenues within said limits, and to construct any and all sewers, culverts, sluices, basins, gullies and water-ways on, along, under and across said Flushing avenue, within said limits, which they may deem necessary for the preservation of the improvements to be made under the provisions of this act. And they are further authorized, in their discretion, to cause suitable shade trees to be planted at proper distances along said avenue, on each side thereof, and to pave or macadamize said Flushing avenue within said limits, and to the full width of the roadway, within three years after the passage of this act.

Avenue to be curbed and flagged.

Shade trees.

§ 3. The third section of said act is hereby amended so as to read as follows:

§ 3. For the purposes of this act the said commissioners and their clerk and counsel shall have and possess respectively the same functions, rights, powers and duties as are granted to and devolved upon the common council of said city, the city clerk of said city and the attorney and counsel to the corporation by chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, entitled "An act to revise the charter of Long Island City," and the several acts amendatory thereof, except as hereinafter provided, and also except that none of the provisions of sections one and two of chapter two of title three of said act shall apply to and proceedings authorized or directed by this act. Proceedings for acquiring title to lands required for opening or widening said avenue or any part thereof may be taken in the supreme court or in the county court of Queens county, and any application in such proceedings brought in the supreme court may be made at any special term thereof held in the second judicial district. Lands required for said avenue may be acquired in one or more proceedings at the same or different times as said commissioners shall deem most expedient.

Powers, duties, etc., of commissioners, their counsel and clerks.

Proceedings for acquiring lands.

§ 4. The fourth section of said act is hereby amended so as to read as follows:

§ 4. All work to be done and all materials requisite to be furnished therefor, involving an expenditure of more than one hundred dollars at any one time, shall be done and furnished by contract or contracts founded on sealed bids or proposals made on public notice by advertisement for at least ten days in one or more newspapers published in Long Island City, which notice shall specify the time and place for receiving and publicly opening such proposals, and such contract or contracts, when awarded, shall be given to the lowest responsible bidder giving adequate security satisfactory in form and amount to said commissioners; but said commissioners may reject any bid not considered by them for the public interests. All contracts awarded by and contractor's bonds accepted by said commissioners shall contain such terms, conditions, provisions and restrictions as shall seem desirable to the commissioners for the proper security and advantage of the property-owners, in regard to the work to be done and the materials to

Work to be done by contract, proposals for, etc.

Terms of contracts.

When contracts may be annulled.

be furnished under such contract or contracts. Should any contractor fail to comply with the provisions of his contract, or any of them, the commissioners may, at their option, abrogate and annul such contract and advertise anew for carrying out the unfinished part thereof and make a new contract or contracts therefor until the entire improvements shall be finished. Any contractor failing to perform his contract, or any part thereof, shall be liable to said commissioners for any damage caused by such failure, and said commissioners shall have full discretionary power, in the interest of the property-owners, in the prosecution of the improvements in their dealings with the contractors, to enforce their rights against contractors by action or otherwise, to the end that said improvements may be completed in the most speedy, advantageous and economical manner.

Liability of contracts for failure to perform.

§ 5. The fifth section of said act is hereby amended so as to read as follows:

Commissioners may issue certificates of indebtedness to pay for improvements.

Amount limited.

May be issued direct or sold.

§ 5. In order to pay for the several improvements authorized or directed by this act, inclusive of such widening, together with the incidental expenses of making such improvements, said commissioners are hereby authorized and empowered to issue certificates of indebtedness, to an amount not to exceed in the aggregate the sum of one hundred and twenty thousand dollars ($120,000), which certificate shall be known and designated as the "Flushing avenue improvement certificates." Said certificates may be issued in direct payment for such improvements and expenses, or they may be sold or negotiated by the commissioners to obtain money to pay for such improvements, or any part thereof, as said commissioners may deem most advantageous; but no such certificate shall be issued, sold or negotiated at less than its par value.

Payable to bearer, rate of interest, etc.

The commissioners shall determine the form and denomination of such certificate, except that they shall be payable to bearer, shall pass by delivery, shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually on the first day of February and August in each year, shall be redeemable out of the "Flushing avenue improvement fund," and shall be payable after five years, and in any event in ten years from their respective dates; shall be receivable at all times at par, and accrued interest in payment of any assessments hereby authorized, or of the interest thereon; and also except that it shall appear upon said certificates that they are issued under the provisions of this act.

By whom to be signed, etc.

They shall be signed by said commissioners, or a majority of them, and countersigned by the treasurer and receiver of taxes of Long Island City on the written requisition of the said commissioners, or a majority of them. It shall be lawful, however, for the owner of any certificate issued under the provisions of this act, to render the same non-negotiable except by his indorsement, by indorsing thereupon and subscribing a statement that said certificate is the property of such owner, and thereupon the principal sum of money mentioned in said certificate, and interest on the same, shall be payable only to such owner or his legal representatives or assigns.

Provisions for payment of interest.

In case a sufficient amount of the assessments to be levied under the provisions of this act shall not be paid to the treasurer and receiver of taxes of Long Island City, to enable him to meet and pay the first six months' interest accruing upon any of such certificates which may have been issued from time to time by said commissioners, or any part thereof, the said treasurer and receiver of taxes shall certify the fact in writing to said commissioners, stating the amount necessary to pay or make up any deficiency in the payment of such interest, and thereupon said commissioners shall forthwith proceed to issue such an

amount in such certificates as will make up and pay such deficiency of interest, and shall sell and negotiate the same as hereinbefore provided, and shall pay over the proceeds thereof to such treasurer and receiver of taxes, and such certificates so issued shall be issued and negotiated in the same manner, and upon the same terms and conditions, and shall bear the same rate of interest as the improvement certificates hereinbefore provided for, except that they shall state upon their face in addition to the other matters required to be stated in such improvement certificates, that they are issued to pay interest on said improvement certificates, and they shall be redeemable at the option of said treasurer at any time out of any moneys in his hands belonging to said Flushing avenue improvement fund. Such certificates shall be received in payment of any assessment levied under this act at par and accrued interest, and they shall be in excess of and in addition to the amount hereinbefore provided to be issued to pay for said improvements and expenses, and shall not in any event exceed in amount the sum of three thousand six hundred dollars in the aggregate.

Certificates receivable in payment of assessments.

§ 6. The seventh section of said act is hereby amended so as to read as follows:

§ 7. The cost or approximate cost of the improvements hereinbefore authorized or directed, together with the incidental expenses of making the same, shall be estimated and ascertained by said Flushing avenue improvement commissioners, and when so estimated and ascertained shall be certified by them to the commissioners of estimate and assessment, who shall proceed as soon as practicable after their appointment to widen said Flushing avenue as laid down on said map, and to assess therefor, and for the costs of the improvements hereby authorized or directed to be made thereon as so certified to them, and for the incidental expenses of said opening and improvements respectively, under and pursuant to the provisions of and as prescribed by chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, entitled "An act to revise the charter of Long Island City, and the several acts amendatory thereof," and such proceedings shall thereafter be had for correcting and confirming such assessments respectively as are therein prescribed with respect to assessments for like purposes levied under the provisions of said act exclusively, except as otherwise herein provided; and said assessments shall be levied upon and shall be a lien upon the same property and to the same extent, and collection thereof may be enforced, except where otherwise provided in this act, as therein prescribed for assessments for like purposes respectively, and the acts and certificates of said Flushing avenue improvement commissioners and of said commissioners of estimate and assessment, as affecting such assessments, may be amended if any errors or irregularities be discovered therein; and their amended acts and certificates shall have the same force and effect as their original acts and certificates would have had if made or done as so amended; and it is declared to be the intention of this act that the fullest powers of amendment shall be vested in such commissioners, so as to promote substantial justice in the matter of said assessments and in enforcing the lien and collection thereof, to the end that said Flushing avenue, within the limits aforesaid, may be speedily opened, widened and improved as herein authorized or directed, and that a just and valid assessment may be levied and collected therefor so that the entire cost, charges and expenses of such widening and improvements may be defrayed out of and with the proceeds of said assessment. In case the

Estimate of cost to be made and certified.

Commissioners to proceed and widen avenue and assess therefor.

Assessments to be liens on property.

Power of assessment vested in commissioners.

Proceed-

ings in case it is decided to macadamize ave., etc.

said Flushing avenue improvement commissioners shall, in the exercise of the discretion conferred upon them by this act, decide to pave or macadamize said Flushing avenue within the limits aforesaid, or to provide, set out and plant shade trees thereon, within the said three years, they shall ascertain the cost of such paving or macadamizing, and shade trees and the proper planting thereof, together with the incidental expenses of doing the same, and shall certify the amount of such costs and expenses to the said commissioners of estimate and assessment who shall be continued in office for that purpose. Said commissioners of estimate and assessment shall thereupon assess the same upon the several lots, pieces or parcels of land benefited thereby, as prescribed by chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, entitled "An act to revise the charter of Long Island City," and the several acts amendatory thereof, and from and after the time such assessment shall have been duly made, confirmed and filed in the office of the treasurer and receiver of taxes of Long Island City, the amount so assessed upon each lot, piece or parcel of land shall be a lien thereon, shall bear interest at the same rate, and such interest shall be payable at the same times, and payment of the principal and interest of such assessments may be enforced in the same manner, by the same means, to the same extent, with the same force and effect, and within the same time or times after the filing of such assessment roll in the treasurer's office of Long Island City, as is provided in regard to other assessments levied under the provisions of this act.

Assessment.

To be a lien on lands.

§ 7. The eighth section of said act is hereby amended so as to read as follows:

District of assessment.

§ 8. The district of assessment for the opening, widening and improvements hereby provided for shall be the same respectively as though such opening, widening and improvements had been made under the provisions of said chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one exclusively, and every assessment levied under the provisions of this act shall be a lien upon the real estate upon which the same shall be charged or levied from the time of the confirmation thereof and the delivery of the assessment roll, or a certified copy thereof, as the case may be, to the treasurer of Long Island City, and the assessment upon any lot, piece or parcel of land may be apportioned by said treasurer under the provisions of the act last above mentioned, as amended by chapter four hundred and fifty-four of the laws of eighteen hundred and seventy-nine, entitled "An act to amend 'An act to revise the charter of Long Island City,'" with the like force and effect as therein prescribed. Any assessment levied under the provisions of this act may be paid to the treasurer and receiver of taxes of Long Island City without fee or charge at any time within three months after the assessment roll therefor, or a certified copy thereof, shall be filed in the said treasurer's office. All assessments levied thereunder and not paid within said three months shall draw and bear interest at and after the rate of ten per centum per annum; payable semi-annually on the first day of January and July in each year, provided, however, that when there shall be not more than six months' unpaid interest on any assessment, such interest may be paid and discharged at the rate of seven per centum per annum, and that when there shall be more than six and not more than twelve months' unpaid interest thereon, such interest may be paid and discharged at the rate of eight per centum per annum, and that when there shall be more than twelve and not more than eighteen months' unpaid

Time of payment.

Interest after three months.

interest thereon, such interest may be paid and discharged at the rate of nine per centum per annum. Any assessment may be paid in full at any time, and payment in sums of not less than one dollar may be made at any time on account thereof, or the accrued interest thereon. But all payments on accounts shall be first applied to the discharge of the accrued interest, and the residue, if any, shall be credited on account of the principal. No warrant shall be required for the collection of any assessment levied under this act, or for the interest thereon, nor shall any warrant be required for the sale of any lands or other property for the non-payment of such assessments or interest. But all lots, pieces or parcels of land upon which any assessment shall remain unpaid, and upon which assessment there shall be three years' interest or more unpaid on the first day of July in any year, or upon which assessment or interest, or any part thereof, shall remain unpaid after the expiration of eight years after such assessment shall have been confirmed and the assessment roll thereof, or a certified copy thereof, filed in the office of the treasurer and receiver of taxes of Long Island City, shall be advertised and sold for the payment of such unpaid interest or assessment, or both, as the case may be, and such sale or sales shall be made by the treasurer and receiver of of * taxes of said city, or such other officers as shall then be authorized by law to sell lands situate in said city for non-payment of city taxes, and such sale or sales and all proceedings therefor and thereafter shall be the same and on the same notice and like terms and subject to the same conditions, provisions and restrictions, and the several lots or parcels of land or property sold may be redeemed, and in default of such redemption, title thereto shall be perfected and given in the same manner, to the same extent, with the same force and effect, and the costs, fees, charges and expenses of such sale shall be the same as shall then be prescribed by law for the sale of lands situate in said city for the non-payment of city taxes in said city. At the sale of any lot, piece or parcel of land for non-payment of said assessments, or any of them, or interest thereon, as hereinbefore provided, it shall be the duty of the officer making such sale, to receive the said improvement certificates, authorized by this act, at par and accrued interest in payment for the assessments, or any of them, and the accrued interest thereon, for which such sale shall be made, exclusive of the costs and expenses of such sale, in the same manner, to the same extent and with the same force and effect; and such certificates, when so received, shall be permanently and effectually canceled and defaced by and deposited with the same office, and a like account shall be kept thereof as herein provided for the receipt, cancellation and defacement of such improvement certificates when received in payment of such assessments and accrued interest.

Payments may be made in full or not less than one dollar at a time.

When lots may be advertised and sold.

Notice of and terms of sale.

On sale improvement certificates to be received in payment.

§ 8. The ninth section of said act is hereby amended so as to read as follows:

§ 9. All moneys received by said treasurer and receiver of taxes in payment of such assessments or interest shall be placed to the credit of a fund to be known as the Flushing avenue improvement fund, and shall be kept separate and apart from all other moneys in his hands, and no part thereof shall be expended by him except in payment of the interest or for the purchase or redemption of the principal of said Flushing avenue improvement certificates, or such additional certificates as hereinbefore provided, until the same shall be fully paid, purchased or redeemed, with interest as aforesaid. Whenever the treasurer of said city

Moneys received to be credited to Flushing avenue improvement fund.

* So in original.

Treasurer to advertise for sale to him of certificates.

shall have five hundred dollars or more in his hands to the credit of said Flushing avenue improvement fund not required for the redemption of such additional certificates, or for the next semi-annual interest payment on outstanding improvement certificates, he shall give public notice, by advertisement for at least one week in one or more newspapers published in Long Island City, that he will receive sealed proposals for the sale and surrender to him of such certificates. Such notice shall specify the amount in his hands to be then applied to the purchase of such improvement certificates, and shall designate the time and place for receiving and publicly opening such proposals, but not more than par and accrued interest shall be paid for such certificates, and the treasurer shall in all cases have the right to reject any and all bids not deemed by him for the public interests. In case the amount of improvement certificates so advertised for shall not be purchased pursuant to said advertisement, said treasurer is hereby authorized to call in the amount so advertised for, or the residue thereof, as nearly as may be, not so purchased, by public notice, by advertisement to be published in one or more newspapers published in Long Island City, once a week for two consecutive weeks, which notice shall specify the number, par value and date of each certificate so called in and shall require the same to be presented at his office for redemption on or before some day to be named in such notice, not less than thirty days after the first publication thereof, and the several certificates so designated shall cease to bear or draw interest from and after the day named in such notice for their redemption; provided, however, that no such improvement certificate shall be so called in within five years after the date of its issue. When all of said assessments shall have been paid with interest thereon, or upon the completion of the sales for the non-payment thereof, all the said improvement certificates shall be paid off. Final notice of the redemption of such certificates, by advertisement to be published in one or more newspapers published in Long Island City, once a week for two consecutive weeks, shall be given by said treasurer, requiring all outstanding certificates to be presented at his office for redemption, on or before some day to be named in such final notice, not less than thirty days after the first publication thereof, and all certificates then outstanding shall cease to draw or bear interest from and after the day named in such final notice for their redemption. If there shall be any excess to the credit of said improvement fund, after the payment and redemption of such certificates, it shall be covered into the city treasury in payment of city taxes, upon the property assessed hereunder in proportion to the total amounts assessed thereon, respectively.

If not sufficient amount purchased, treasurer to call in certificates.

Notice.

Proviso.

Final notice of redemption.

Excess to be covered into city treasury.

§ 9. The twelfth section of said act is hereby amended so as to read as follows:

Owners may be authorized to grade, etc., in front of their own premises.

To be credited with equitable amount on assessment.

No credit to be given

§ 12. Said improvement commissioners may authorize the owner of any lot to grade, pave, flag and curb said avenue in front of his own property, under their supervision, and upon the completion of such grading, paving, flagging and curbing, or either of them, to the satisfaction and approval of said commissioners, the person or persons doing the same shall be credited by such treasurer with such equitable proportion of the amount assessed, or to be assessed, upon the several lots in front of which such improvements shall be made as aforesaid, as shall be just and as shall be agreed upon by and between said commissioners, or a majority of them, and such owner, which amount, together with a description of the lot or lots to be credited, shall be certified to said treasurer by said commissioners, or a majority of them,

and such owner, but no such credit shall be claimed or allowed for any work unless the written consent of the commissioners to do the same was first had and obtained. unless work done under written consent of commissioners.

§ 10. The fourteenth section of said act is hereby amended so as to read as follows:

§ 14. The grade of Flushing avenue within the limits aforesaid is hereby fixed, established and declared to be the same as laid down and designated therefor on the said map, made by James Otis, civil engineer, last hereinbefore mentioned. Said avenue shall be widened and improved to the uniform width of sixty-five feet as hereinbefore directed; but neither said map nor any thing in this act contained shall abrogate or impair the force or effect of the commissioners' map of Long Island City, with respect to the width of said avenue and every part thereof as laid down thereon, or with respect to any street or avenue intersecting said Flushing avenue. Grade established.

§ 11. This act shall take effect immediately.

CHAP. 319.

AN ACT to amend chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof."

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title fifteen of chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn and the various amendments thereof," is hereby amended so as to read as follows: Title 15, chap. 863, Laws of 1873, amended.

TITLE XV.

DEPARTMENT OF PARKS.

SECTION 1. The Brooklyn park commissioners now in office shall continue in office for two years after the passage of this act, and until others are appointed in their places, and in addition to the duties now devolved upon them by law, shall be and serve as the department of parks, and without compensation, and at the expiration of the term of office of said department, and every two years thereafter, they shall be appointed by the same authorities and in the same manner as other departments of the city are or may be appointed. Commissioners to remain in office two years. Successors, how to be appointed.

§ 2. The said commissioners shall have the government, management and control of all the parks, squares, parkways and public places of the city, subject, however, to the laws of the State and to the powers of the common council in relation thereto. To have control of parks, etc.

§ 3. All moneys received by said department shall be forthwith paid into the city treasury, and all expenditures relating to the several parks, squares, parkways and public places of the city shall be provided for in the same manner as the expenditures of other departments are provided for, and shall be paid from the city treasury when required, under the same rules and regulations governing the expenditures of other departments. Moneys received to be paid into city treasury.

§ 2. This act shall take effect immediately.

CHAP. 320.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors.

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sub. 5, sec. 1, chap. 482, Laws of 1875, etc., amended.

SECTION 1. The fifth subdivision of the first section of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," as modified and amended by chapter two hundred and fifty-seven of the laws of eighteen hundred and seventy-six, and chapter three hundred and sixty-four of the laws of eighteen hundred and seventy-nine, is hereby further amended so as to read as follows:

Care, etc., of bridges. Except on Hudson below Waterford. Crossing streams forming boundary lines between towns and counties. Apportioning expense. In case bridge spans navigable waters.

5. To provide for the care, maintenance, preservation and reparation of any draw or other bridge (except on the Hudson river below Waterford and on the East river, or over the waters forming the boundaries of this State), crossing a stream which forms at the point of crossing the dividing line of counties or of towns, and the maintenance, care, and preservation of which bridge is by law a joint charge on such counties, or on such towns, or on the towns in which such bridge may be situated, and to severally apportion, as such board may deem equitable, the charge and expense for such maintenance, care, preservation, and reparation, on the towns respectively liable therefor, or on the respective counties when liable; but when such bridge shall span any portion of the navigable tide-waters of this State forming at the point of crossing the boundary line between two counties, such expense shall be a joint and equal charge on the two counties in which the same is situated, and the board of supervisors in each of such counties is hereby authorized and directed to apportion such expense among the several towns and cities in their respective counties, or upon any or either of such towns and counties as in their judgment may seem proper, provided, however, that no town or city not immediately adjacent to such waters at the point spanned by such bridge shall be liable for any larger proportion of such expense, than the taxable property of such town or city bears to the total amount of taxable property of such county. But no such bridge shall be constructed unless the same is authorized by a resolution adopted by a majority of the board of supervisors in each of such counties.

Proviso.

Not to be construed except authorized by resolution adopted by a majority vote.

§ 2. This act shall take effect immediately.

CHAP. 321.

AN ACT to amend chapter five hundred and eighty-nine of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Chateaugay Water-works Company."

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter five hundred and eighty-nine of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Chateaugay Water-works Company," is hereby amended so as to read as follows: Sec. 5, chap. 589, Laws of 1868, amended.

§ 5. Samuel S. Clark, Daniel S. Coonley, Hial S. Farnsworth, John B. Hays and John Hughes are hereby appointed the commissioners to perform the acts and duties hereinbefore designated to be performed by commissioners. Commissioners.

§ 2. Section six of said act is hereby amended so as to read as follows:

§ 6. The first election of directors shall be held on the second Tuesday of June next, at the office of John Hughes, in the village of Chateaugay, at two o'clock in the afternoon of that day and annually thereafter, on the second Tuesday of June in each year at such place in said village and at such hour of the day as the directors for the time being shall appoint. Notice of such election shall be published once in each week, for two successive weeks immediately preceding such election, in the newspaper published in said village, if such there be, if not, in one of the newspapers published in the county of Franklin. Each stockholder shall be entitled to one vote upon each share of stock held by him or her, at the time of, and which shall be held by him or her for thirty days next previous to, such election. The election shall be held by ballot, and votes may be given either in person or by proxy. First election of directors. Notice of annual election. One vote for each share of stock.

§ 3. This act shall take effect immediately.

CHAP. 322.

AN ACT to establish a State board of health.

PASSED May 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within twenty days after the passage of this act, the governor shall appoint, by and with the advice and consent of the senate, three State commissioners of health, two of whom shall be graduates of legally constituted medical colleges and of not less than seven years' practice of their profession. The said commissioners together with the attorney-general, the superintendent of the State survey and the health officer of the port of New York, who shall be ex-officio members of the State board of health, and three other persons to be designated and appointed by the governor, one of whom shall be a Governor to appoint commissioners. ex-officio commissioners. Other commissioners.

commissioner of health of the board of health of the city of New York, and the others shall be members or commissioners of health of regularly constituted and organized boards of health of cities of the State, shall constitute the board of health of the State of New York.

Chap. 335, Laws of 1873, how construed.

Nothing in chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, of the State of New York or in the laws amending the same, or in the laws constituting boards of health in the varrious cities of the State, shall be read or construed to prevent the appointment of the said commissioners of board of health of cities, also members of the board of health of the State of New York, and no appointment to an office or acceptance thereof under this law shall be held to vacate the office previously held in any board of health of any city in this State.

Official oath.

§ 2. The said three commissioners so appointed shall take the oath of office prescribed by the constitution for State officers, and receive from the secretary of State certificates of their appointment. They

Term of office.

shall hold office for three years, and whenever a vacancy occurs, the place shall be filled as in other cases provided by law, and the other commissioners shall, from time to time, be designated by the governor as occasion may require, or as their places may be vacated in the board by the expiration of their several terms of office.

Meetings.

§ 3. The State board of health shall meet at least once in every three months and as much oftener as they shall deem necessary, their first meeting being held in the city of Albany within two weeks after the appointment duly made of the members of the first board and after they shall have qualified as aforesaid, and each annual meeting shall be held within two weeks after the first of May each year after the

No member except secretary to receive compensation.

first, as herein provided. No member of the board except the secretary shall receive any compensation, but the actual traveling and other expenses of the members and officers of said board while engaged in their duties shall be allowed and paid out of the appropriation made

President and secretary to be elected annually.

for its support. They shall elect annually one member of the board to be president; they shall also elect from among their own members or otherwise, a person of skill and experience in public health duties and sanitary science, to be the secretary and executive officer of said board, who shall have all the powers and privileges of a member of the board except in regard to voting upon matters relating to his own office and duties as secretary, and he shall hold said office for the term of three years, but he may be removed for cause after a full hearing by the board, a majority of the members voting therefor.

By-laws, etc.

§ 4. The State board of health may adopt by-laws regulating the transaction of its business, and provide therein for the appointment of committess * in whom it shall delegate authority and power for the work committed to them, and it may also adopt and use an official seal. Five members shall constitute a quorum for the transaction of business.

Record of proceedings.

§ 5. The secretary shall keep a record of the acts and proceedings of the board, perform and superintend the work prescribed in this act, and such other duties as the board may order, and shall receive

Salary of secretary.

an annual salary of three thousand dollars, which shall be paid him in the same manner as the salaries of other State officers are paid, and such necessary expenses shall be allowed him as the comptroller shall audit on the presentation of an itemized account having vouchers annexed, together with the certificate of the board.

Duties of board.

§ 6. Said board shall take cognizance of the interests of health and

*So in original.

life among the people of the State, they shall make inquiries in respect to the cause of disease, and especially of epidemics, and investigate the sources of mortality, and the effects of localities, employments and other conditions upon the public health. It shall be the duty of said board to obtain, collect and preserve such information relating to deaths, diseases and health as may be useful in the discharge of its duties, and contribute to the promotion of the health or the security of life in the State of New York. And it shall be the duty of all health officers and boards of health in the State to communicate to said State board of health copies of all their reports and publications; also such sanitary information as may be useful.

To collect information, etc.

Health officers, etc., to send copies of report to board.

§ 7. It shall be the duty of the State board of health to have the general supervision of the State system of registration of births, marriages and deaths, and also the registration of prevalent diseases. Said board shall prepare the necessary methods and forms for obtaining and preserving such records, and to insure the faithful registration of the same in the several counties, and in the central bureau of vital statistics at the capital of the State. The said board of health shall recommend such forms and amendments of law as shall be deemed to be necessary for the thorough organization and efficiency of the registration of vital statistics thoughout the State. The secretary of said board of health shall be the superintendent of registration of vital satististics of the State. As supervised by the said board, the clerical duties and safe-keeping of the bureau of vital statistics thus created shall be provided for by the comptroller of the State, who shall also provide and furnish such apartments and stationery as said board shall require in the discharge of its duties. And the State board of health shall also prepare the necessary methods and forms and prescribe the rules regulating the issue and use of transfer permits, with the proper coupons attached thereto, to be issued by local organized boards of health, for the transportation of the dead bodies of persons which are to be carried for burial beyond the limits of the counties where the death occurs; and in all cases the said board of health shall require coupons to be attached to such permits, to be detached and preserved by every common carrier, or the person in charge of any vessel, said railroad train or vehicle to whom such dead bodies shall be delivered for transportation. Any violation of such rules and regulations shall be a misdemeanor.

General supervision of State system of registration of births, etc.

To prepare forms, etc.

Superintendent of registration of vital statistics.

Transfer permits for transportation of dead bodies.

§ 8. At any time the governor of the State may require the State board of health to examine into nuisances, or questions affecting the security of life and health in any locality, and in such case the said board shall have all necessary powers to make such examinations, and it shall report the results thereof to the governor within the limits of time which he shall prescribe for such examination and report. The report of such examination, when approved by the governor, shall be filed in the office of the secretary of State, and the governor may, in relation to the matters or things found and certified by the State board of health to be nuisances, declare them to be public nuisances, and order them to be changed as he shall direct, or abated and removed. Any violation of such an order shall be held and punished as a misdemeanor, and thereafter the governor may by his order, in writing, certified under his official seal, directed to the officers of the county in which the said nuisance shall be situated, require the district attorney, the sheriff and the other officers of every such county, to take all necessary measures to execute and to have obeyed the order of the governor.

Governor may require board to examine into nuisances, etc.

Report of, when approved, to be filed.

Governor may order removal of public nuisances.

Violation of order a misdemeanor.

Local board may select officers to represent it on examination.

§ 9. At any time at the request of the State board of health, or whenever the governor shall as hereinbefore provided have directed an examination and report to be made by the State board of health into any alleged nuisance, any board of health of any city of the State may appoint and select any one of its officers as its representatives, during such examination of any nuisance, and such representative officer shall have a seat at, and be entitled to take part in, all the deliberations of the State board of health, during such investigation, but without the right to vote.

Rights of representative.

Persons may be engaged to render sanitary services, etc.

§ 10. Said board may, from time to time, engage suitable persons to render sanitary service and to make or supervise practical and scientific investigations and examinations requiring expert skill, and to prepare plans and report relative thereto. And it is hereby made the duty of all officers and agents having the control, charge or custody of any public structure, work, ground or erection, or of any plan, description, outlines, drawings or charts thereof, or relating thereto, made, kept or controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person by said board authorized; and the members of said board, and such other officer or person as may at any time be by said board authorized, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings and places. But no more than five thousand dollars in any one year shall be expended for such special sanitary service.

Duty of officers, etc., having charge of public structures, etc., to permit examination.

Expense of sanitary service limited.

Annual report to the governor.

§ 11. It shall be the duty of said board, on or before the first Monday of December in each year, to make a report in writing to the governor of the State, upon the vital statistics and the sanitary condition and prospects of the State; and such report shall set forth the action of said board and of its officers and agents and the names thereof, for the past year, and may contain other useful information, and shall suggest any further legislative action or precautions deemed proper for the better protection of life and health. And the annual report of said board shall also contain a detailed statement of the comptroller of all money paid out by or on account of said board, and a detailed statement of the manner of its expenditure, during the year last past, but its total expenditures shall not exceed the sum of fifteen thousand dollars in any one year.

Statement of expenditures

Appropriation.

§ 12. The sum of fifteen thousand dollars is hereby appropriated from the general fund for the purposes of this act, and the expenditures properly incurred by authority of said board and verified by affidavit, subject, however, to the limitations hereinbefore imposed, and shall be paid by the treasurer upon the warrant of the comptroller.

§ 13. This act shall take effect immediately.

CHAP. 323.

AN ACT in relation to Fourth avenue in the city of Brooklyn.

PASSED May 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the proper authorities of the city of Brooklyn, from time to time, to pave such portions of Fourth ave-

nue in said city as shall be designated by the department of city works as necessary, with cobble stone, at the expense of the city at large.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 324.

AN ACT to amend chapter three hundred and sixty of the laws of eighteen hundred and sixty-seven, entitled "An act to amend and consolidate the several acts in relation to the village of Rhinebeck."

PASSED May 19, 1880; three-fifths being present.

The People of the State of New York represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections twenty-four and twenty-five of chapter three hundred and sixty of the laws of eighteen hundred and sixty-seven are hereby amended and shall read as follows:

Secs. 24 and 25, chap. 360, Laws of 1867, amended.

§ 24. The trustees, upon the petition of twelve freeholders residing in said village, shall have power to lay out, make and open streets, alleys, lanes, highways and public grounds in said village, and to alter, widen, contract, straighten, extend or discontinue the same, and to cause the same to be repaired or cleaned, from time to time, as they may deem necessary; they shall cause all streets, alleys, lanes, highways and public grounds, laid out, widened, straightened, or contracted by them, to be surveyed, and such surveys filed or recorded in the office of the village clerk, and the same, when so opened and made, shall be public streets, highways and grounds.

Trustees on petition of, etc., to have power to lay out streets, etc.

§ 25. Whenever the trustees shall have determined to lay out, alter, widen, straighten or extend any street, alley, lane, highway or public ground, and to take and appropriate the land necessary for the same and shall have determined to assess the expenses of such improvement, or any part thereof, as hereinafter provided, they shall give notice of such determination to the owner or owners of the lands, by publishing the same once in each week, for two successive weeks, in one or more of the newspapers printed in said village; such notice shall specify in general terms the improvements to be made, and shall state that such owner or owners, on or before a day to be specified, may file their claim for damages, if any they have, on account of such taking or appropriation, with the clerk of said village; and in case any claim for damages shall be filed as aforesaid, that the said trustees will apply, at a time and place to be specified in said notice, to some court of record, for the appointment of three commissioners to ascertain and assess the damages so claimed. In case no claim for damages shall be filed as above provided, such owner or owners shall be deemed to have waived all claims to damages and to have consented and agreed to such improvement. If any such claim shall have been filed as aforesaid, the said trustees, at the time and place specified in said notice, shall make application to a court of record, for the appointment of such commissioners, and any person who shall have filed such claims shall have a right to be heard on such application. The said commis-

When trustees determine to lay out streets, they shall give notice.

Claims for damages to be filed.

Proceedings to have damages assessed.

Appointment of commissioners.

Oath of office.

sioners, having been duly appointed, shall enter upon the performance of their duties without delay; they shall each take and subscribe an oath before some officer authorized to administer oaths, faithfully, honestly and impartially to perform their duty in making such assessment according to the best of their ability, and shall give notice of the time and place of their meeting to make such assessment, by publishing the same once in a newspaper printed in said village. At the time and place so appointed for their meeting they shall view the premises, and in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day; they shall determine and award to the owner or owners so claiming damages as aforesaid such damages as in their judgment such owner or owners will sustain by such improvements, after making due allowance for any benefit which such owner or owners may derive therefrom; they shall, at the same time, assess and apportion the said damages, if any, of such improvement, on the real estate benefited thereby, as nearly as may be in proportion to the benefit resulting therefrom; but, if the whole of such damages cannot justly and equitably be assessed on the real estate as above provided, then the said commissioners shall only assess such portion thereon as, in their opinion, will be equitable and just; and the balance thereof they shall assess to be paid by a general tax upon the village, and such balance shall thereupon become a charge upon said village, and shall be added to, and raised with the next general assessment or tax levy for village purposes; and the same shall be payable to the persons entitled thereto, as soon as the same shall be collected as above provided. The said commissioners shall briefly describe the real estate upon which any assessment is made by them, and shall designate the owners of the several parcels thereof; and what parcels, if any, are owned by non-residents, according to the best information they can obtain, which assessments shall be collected by the trustees from such owners under a warrant for that purpose to the collector of the village, in the same manner as taxes in said villages are collected. If there be any building on any land taken for such improvement, the value thereof to remove shall be ascertained by the commissioners, and the owner thereof may remove the same within ten days, or such other time as the trustees may allow after the confirmation of the return of the commissioners, and if the same shall be removed, the value thereof, as ascertained, shall be deducted from any damages awarded to such owner. The determination and assessments of the commissioners shall be returned to the trustees within ten days after the matter has been finally submitted to them. If either of the commissioners shall be unable to serve, the trustees may, at any time, without further notice, make application to some court of record, to have some suitable person appointed in his stead, and such court shall thereupon make such appointment. After the determination and assessment of the commissioners shall be returned to said trustees, they shall give notice by publishing the same once in a newspaper printed in said village, that at a time and place to be specified in said notice, the same will be confirmed, unless objection thereto be made by some person interested. All objections shall be made in writing, and filed with the clerk. If no objection shall have been filed, such determination and assessments may, in their discretion, be confirmed by said trustees, and the same shall be final and conclusive, or the same may be annulled by said trustees. And if objection shall have been filed as aforesaid, the person so filing the same shall have a right to be heard in regard thereto, on the day specified in said notice, or such other day

Notice of meeting.

Commissioners to view the premises and award damages.

To apportion amount of damages upon property benefited, and upon village at large.

Assessment roll, what to contain.

Buildings, on land taken, to be appraised and may be removed by owner.

Application to court in case commissioner is unable to serve.

Objections.

Hearing before trustees.

or days as the trustees may appoint; and said trustees shall thereupon either confirm or annul the said determination and assessment. If they confirm the same, it shall be final and conclusive upon all parties; but whenever they annul the same, they shall refer the matter back to the same commissioners or to three others to be appointed on their application, without further notice, by some court of record. The commissioners shall proceed in all things, in the making and return of the second determination and assessment, as though it were the first; and the trustees shall proceed thereon as though it were the first determination and assessment. If the trustees shall confirm the second determination and assessment, the same shall be final and conclusive upon all parties interested, but if they annul the same, then all proceedings in relation to the matter shall be null and void, and no new or further proceedings shall be taken therein until after an election of new trustees by the village; and all expenses incurred shall be paid by the village. After the final confirmation of such determination and assessment, the same shall be filed in the office of the village clerk, and thereupon the said trustees are authorized to cause such improvements to be made and completed.

If confirmed to be final, if annulled to be referred back to commissioners who shall proceed as in first instance.

If second assessment is annulled no new proceedings to be taken.

§ 2. This act shall take effect immediately

CHAP. 325.

AN ACT to establish a cemetery in the town of Long Lake, Hamilton county.

PASSED May 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Long Lake, in the county of Hamilton, is hereby authorized to purchase two acres of land on lot ninety-four in township twenty-one, in the Totten and Crossfield purchase, for the purpose of a public cemetery.

Town authorized to purchase land for a cemetery.

§ 2. Robert Shaw, William Stanton and Walter Jennings are hereby made and constituted the first trustees of such cemetery, and all moneys appropriated by said town for such cemetery shall be placed in the hands of such trustees for the purchase, laying out, improving and beautifying such cemetery lot, and for the expense of the removal of the dead from other burial grounds in said town, which they are authorized to do with the consent of the families or surviving relatives of such dead. Such trustees shall hold office for three years, and the supervisor and justices of the peace of said town shall have power to fill any vacancy in their number occasioned by resignation, death or removal from said town, and also to fill the places for the same term of time of those whose term of office has expired under the provisions of this act.

Trustees.

Term of office of.

§ 3. The moneys required to be expended under this act shall be a town charge, and shall be levied and collected the same as other town expenses are levied and collected.

Money expended a town charge.

§ 4. This act shall take effect immediately.

CHAP. 326.

AN ACT relating to the banks and prism of the Genesee Valley canal, and for the sale thereof.

PASSED May 19, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners of land office to sell interest in banks and prism of canal, between Mount Morris and Cuba, to any corporation formed for purpose of building a railroad, for the sum of $100 per mile.

SECTION 1. The commissioners of the land office of the State of New York are hereby authorized and required to sell and convey all of the right, title and interest which the State of New York has in and to the banks and prism of the Genesee Valley canal, between the village of Mount Morris, in the county of Livingston, and the village of Cuba, in the county of Allegany, to any corporation or company now existing, or which may be hereafter formed for the purpose of constructing, maintaining and operating a railroad along the line of said canal for the sum of one hundred dollars per mile, and said corporation or company shall be invested with the title of said banks and prism under such sale, and such conveyance shall be executed and delivered, when said corporation or company shall pay therefor at the rate aforesaid, and shall execute and deliver to the people of the State of New York a bond in the penal sum of three hundred thousand dollars, with sufficient sureties, conditional that within two years from the delivery of said conveyance they shall construct and thereafter maintain and operate a railroad of a gauge known as the standard gauge, or four feet eight and one-half inches, the whole distance between Mount Morris and Cuba aforesaid, substantially along the line of said canal, and indemnify and save harmless the State of New York from any loss, cost, claim or damage arising from the transfer or sale of said canal as herein provided, and from any claim for damages arising from the construction or operation of said railroad, which said bond as to form and sufficiency shall be approved by the commissioners of the canal fund of the State of New York. But such sale and conveyance shall be made in accordance with the provisions expressed in the fourth section of this act.

Corporation to give bond.

Condition of.

Conditions of sale.

Part between Mount Morris and Erie canal, to be sold.

§ 2. The commissioners of the land office of the State of New York are hereby authorized and required to sell and convey all of the right, title and interest which the State of New York has in and to the banks and prism of the Genesee Valley canal between the village of Mount Morris, in the county of Livingston, and the Erie canal in the city of Rochester, county of Monroe, to any corporation or company now existing, or which may be hereafter formed, for the purpose of constructing, maintaining and operating a railroad along the line of said canal, for the sum of one hundred dollars per mile; and said corporation or company shall be invested with the title of said banks and prism under said sale, and such conveyance shall be executed and delivered when said corporation or company shall pay therefor at the rate aforesaid, and shall execute and deliver to the people of the State of New York a bond in the penal sum of three hundred thousand dollars with sufficient sureties, that, within two years from the delivery of said conveyance, they shall construct and thereafter maintain and operate a railroad of a gauge known as a standard gauge, or four feet eight and one-half inches, the whole distance between Mount Morris and the Erie canal, in the city of Rochester aforesaid, substantially along the

Bond.

Condition

line of said canal, and indemnify and save harmless the State of New York from any loss, costs, claim or damage arising from the transfer or sale of said canal, as herein provided, and from any claim for damage arising from the construction or operation of said railroad, which said bond as to form and sufficiency shall be approved by the commissioners of the canal fund of the State of New York. But such sale and conveyance shall be made in accordance with the provisions expressed in the fourth section of this act. Conditions of sale.

§ 3. The commissioners of the land office of the State of New York are hereby authorized and required to sell and convey all of the right, title, and interest which the State of New York has in and to the banks and prism of the Genesee Valley canal between the village of Cuba, in the county of Allegany, and the village of Millgrove or the village of Olean, in the county of Cattaraugus, to any corporation or company now existing, or which may be hereafter formed for the purpose of constructing, maintaining and operating a railroad along the line of said canal, for the sum of one hundred dollars per mile, and said corporation or company shall be invested with the title of said banks and prism under said sale, and such conveyance shall be executed and delivered when said corporation or company shall pay therefor at the rate aforesaid, and shall execute and deliver to the people of the State of New York a bond in the penal sum of two hundred thousand dollars, with sufficient sureties, conditional that within two years from the delivery of said conveyance they shall construct and thereafter maintain and operate a railroad of a gauge known as the standard gauge, or four feet eight and one-half inches, between said village of Cuba and Millgrove, or the village of Olean, substantially along the line of said canal, and indemnify and save harmless the State of New York from any loss, costs, claim or damage arising from the transfer, or sale of said canal as herein provided, and from any claim for damage arising from the construction or operation of said railroad, which said bond as to form and sufficiency shall be approved by the commissioners of the canal fund of the State of New York. But such sale and conveyance shall be made in accordance with the provisions expressed in the fourth section of this act. Part between Cuba and Millgrove, to be sold. Bond. Condition of. Conditions of sale.

§ 4. In making the sale and conveyance hereinbefore provided for the said commissioners of the land office shall give preference for the first six months from and after the passage of this act to the corporation or company which shall first give a bond in the penal sum of seven hundred thousand dollars, with sufficient sureties, conditional that within two years from the execution and delivery of said conveyance they shall construct and thereafter maintain and operate a railroad of a gauge known as the standard gauge, or four feet eight and one-half inches, between the Erie canal, in the city of Rochester, in the county of Monroe and the village of Millgrove, or the village of Olean, in the county of Cattaraugus, substantially along the line of said canal, and through the villages of Cuylerville and Piffard, in the county of Livingston, and otherwise conditional, and to be approved as the bond provided for in section one of this act; and in case no corporation or company shall so give said bond within said six months, then said commissioners of the land office shall thereafter give preference in making said release and conveyance as follows: To the corporation or company which shall first give the bond required in section one of this act, the said commissioners of the land office shall release and convey that portion of the banks and prism of said canal embraced in section one. To the corporation or company which shall first give the bond required Preferences to be given in making sale. First. Second. Third.

by section two of this act, the said commissioners of the land office shall release and convey that portion of the banks and prism of said canal embraced in section two. To the corporation or company which shall first give the bond required by section three of this act, the said commissioners of the land office shall release and convey that portion of the banks and prism of said canal embraced in said section three; provided, however, that the State may reserve the right to detain that portion of said canal lying between the point where the Cuba reservoir feeder enters said canal to the point where the Rockville reservoir feeder enters said canal, or so much thereof as may be deemed by the State engineer and surveyor necessary for the purpose of conducting the waters of said reservoir into the Erie canal. Also the State reserves the right to retain that portion of said canal from the point where Allen's creek feeder enters the same to the Erie canal. Also, the State reserves the right to retain any portion of the prism of said canal, for the purpose of conducting the waters from any feeder and reservoir to the Erie canal.

Fourth.

Proviso.

Rights reserved.

Rights reserved to city of Rochester.

§ 5. It is further provided, as a condition of the second and fourth sections of this act, that the provisions of such sections are subject to the right and privilege of the corporation of the city of Rochester to build and maintain a sewer in the bed of said Genesee Valley canal lying within the corporate limits of said city. And the right to build and maintain the sewer, at the place aforesaid, is hereby given and granted to the corporation of said city of Rochester, on condition, nevertheless, that it shall be constructed and maintained so as not to interfere or injure the use of said Genesee Valley canal line within the limits of said city, for railroad purposes, provided for by this act. And any company or corporation which shall avail itself of the second or fourth provisions of this act shall construct the railroad provided for herein, within the corporate limits of the city of Rochester, with depressed tracks at every crossing of any street, and provide a suitable over-crossing thereat, under the direction of the city surveyor of said city.

Depressed tracks in city.

Portions of canal, between Cuba and Millgrove, if not sold or used for hydraulic, etc., purposes, to be conveyed to original owners or their grantees.

§ 6. All portions of said Genesee Valley canal, its branches and feeders, embraced in the third section of this act, being all that portion of said canal lying between the village of Cuba, in Allegany county, and the village of Millgrove, in Cattaraugus county, unless they are conveyed to some corporation or company according to the provisions of this act, or are used for hydraulic, hygienic, or fire purposes by villages or cities according to the provisions of chapter four hundred and four of the laws of eighteen hundred and seventy-seven, within one year from the passage of this act shall, at that time, be conveyed to the parties from whom they were taken, or their successors in interest, in consideration of, and upon the condition precedent that such owners shall in writing, under their hands and seals, release the State from all obligations to maintain bridges and other structures connected with such portions of said canal, and from all liability arising from the abandonment. Such conveyance to be executed according to section six, chapter three hundred and forty-four of the laws of eighteen hundred and seventy-eight.

Corporate rights.

§ 7. Any corporation or company in the construction, maintenance and operating of said railroad along the said canal, or such part thereof as it may acquire under the provisions of this act, shall have and enjoy all the rights, privileges and franchises which it has by virtue of its charter, and the general laws of this State relating to the maintenance and operating of railroads.

§ 8. In case any corporation or company shall comply with the provisions of this act, and shall receive the conveyance of said banks and prism, or any part thereof, as hereinbefore provided, and shall not construct and operate said road within the time herein limited, then, and in that case, said sale and conveyance shall at once thereafter become void and of no effect, and said banks and prism shall revert to the people of the State of New York. Sale to become void if road is not built.

§ 9. All acts and parts of acts inconsistent wit' this act are hereby repealed.

§ 10. This act shall take effect immediately.

CHAP. 327.

AN ACT in relation to taxes and assessments levied prior to January first, eighteen hundred and seventy-four, in the towns annexed from the county of Westchester to the city of New York.

PASSED May 19, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At any time after the passage of this act the amount of any tax or assessment for local improvements laid or imposed prior to January first, eighteen hundred and seventy-four, upon lands in the towns of West Farms, Morrisania and Kingsbridge, annexed at that date to the city of New York, from the county of Westchester, pursuant to the provisions of chapter six hundred and thirteen of the laws of eighteen hundred and seventy-three, and which tax or assessment remains unpaid, may be paid to the comptroller of said city with interest at the same rate as is payable by law on taxes or assessments laid or imposed upon lands within said city, and now remaining unpaid; and the lands situated in said towns that have been sold for taxes or assessments laid or imposed thereon prior to that date which have not been redeemed, when the certificates of sale are owned and held by the mayor, aldermen and commonalty of the city of New York, may be redeemed from such sales by the payment to the said comptroller of the amount for which any such lands were sold, as shown by the certificate of sale, with interest thereon at the same rate as is provided by law on the amount of sales for taxes or assessments laid or imposed upon lands within said city, which have not been redeemed, and are owned and held by the mayor, aldermen and commonalty of the city of New York.

Tax or assessment may be paid to comptroller.

Interest, rate of.

Lands sold for taxes, when certificates are held by city, may be redeemed.

§ 2. Upon the surrender to the treasurer of the county of Westchester, of the certificate of any such sale for taxes in said towns, made by him, for which such payment has been made, such treasurer shall cancel such sale upon the records in his office.

Treasurer to cancel sale on return of certificate.

§ 3. This act shall take effect immediately.

CHAP. 328.

AN ACT to establish and maintain a police force in the city of Troy.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of police commissioners.

SECTION 1. For the purpose of establishing and maintaining a body of police in the city of Troy, there shall be constituted a board of police commissioners and a police force as herein provided.

Act of April 29th, 1870, abolished.

§ 2. The act entitled "An act to establish and maintain a police force in the city of Troy," passed April twenty-ninth, eighteen hundred and seventy, and the several acts amendatory thereof, are hereby abolished, and in lieu thereof there shall be established a night and day police, as herein provided, which shall be styled the Troy police force.

Police powers to vest in board of police and officers.

§ 3. The powers and duties connected with and incident to the police government of the said city, as are hereafter more particularly provided for, shall be vested in and exercised by a board of police commissioners and by a police force composed of a superintendent of police, captains of police, sergeants of police, detectives of police, patrolmen of police, a police clerk, a surgeon of police and police station-house keepers.

Election of commissioners.

§ 4. Within ten days after the passage of this act the common council shall meet and shall proceed to elect and appoint four persons as police commissioners of the said city of Troy, who shall hold their office until the Tuesday succeeding the second Monday of November, in the year eighteen hundred and eighty, and until their successors shall be elected and appointed. In voting for the said four persons to be elected and appointed as such police commissioners, no member of the said common council shall vote for more than two of the said persons, and the four persons receiving the largest number of the votes cast shall thereupon be immediately declared elected and appointed as the said four police commissioners. The common council shall not transact any other business, except it be to elect commissioners of charities, until the said four police commissioners shall have been

Id.

elected and appointed. At the annual meeting of the common council of the city of Troy, to be held on the Tuesday succeeding the second Monday of November, in the year eighteen hundred and eighty, the said common council shall proceed to elect and appoint four persons

Term of office.

as police commissioners of the said city of Troy; two to hold office for a term of two years, and two to hold office for a term of four years. In voting for the said two persons to be elected and appointed police commissioners for a term of two years, no member of the said common council shall vote for more than one of the said persons, and the two persons receiving the largest number of the votes cast shall thereupon be immediately declared elected and appointed as the said two police commissioners, who shall hold office for a term of two years. The said common council shall immediately thereafter proceed to vote for two police commissioners whose term of office shall be four years.

Councilmen only to vote for one person.

In voting for the said two persons to be elected and appointed police commissioners for a term of four years, no member of the said common council shall vote for more than one of the said persons, and the

two persons receiving the largest number of the votes cast shall thereupon be immediately declared elected and appointed as the said two police commissioners who shall hold office for a term of four years. If the said meeting of the common council should be adjourned without the said four police commissioners being elected, the said common council shall proceed, at its next meeting, with the said election; and the said common council shall not transact any other business until the said four police commissioners have been elected. The common council shall, every two years after the said second election and appointment of the said four persons as police commissioners, elect and appoint in like manner two persons as police commissioners to fill the office of the two commissioners whose term of office is about to expire, and thereafter the term of office of the said police commissioners shall be for four years. In case of a vacancy in the said board of police commissioners by death, resignation or removal from office, the said common council shall, by a two-third vote of all the elected members of the said common council, elect and appoint a person a police commissioner from the same political party as that of the commissioner whose unexpired term he shall be elected and appointed to fill. No member of the common council shall be eligible to the office of a police commissioner.

One commissioner to be elected every two years.

Vacancy.

Councilmen not eligible.

§ 5. The city clerk shall immediately notify the persons so elected and appointed police commissioners of the said city of their election and appointment, and shall deliver to each of them a certificate of his election and appointment, and within ten days after receiving such notice and certificate, the said persons shall each take the constitutional oath of office, and shall file the same with the clerk of said city. The said police commissioners, upon due notice being given to each of them, shall meet within ten days after the said commissioners shall have filed their oath of office with the clerk of said city, and shall organize as the board of police commissioners of the city of Troy. The chief officer of the board shall be a president, who shall hold his office for one year and until his successor, as such president, shall be elected, except that the president, who shall be elected at the first organization of the board of police commissioners, shall hold his office until the Tuesday after the second Monday of November, in the year eighteen hundred and eighty, and until his successor, as president, shall be elected. At the first meeting of the board of police commissioners, which shall be first elected and appointed, the said police commissioners shall elect a president of the said board, and thereafter the said police commissioners shall annually elect a president of the said board. Upon the organization of the said board of police commissioners the said commissioners shall be vested with all the powers and duties as are herein conferred upon the board of police commissioners of the city of Troy.

Notice of election.

Official oath.

Meeting to organize.

President.

To be elected annually.

§ 6. At the expiration of the thirty days from the termination of the ten days fixed for the meeting of the common council of said city to elect and appoint four police commissioners of the said city of Troy, the offices, powers and duties of the commissioners of the police board of the city of Troy, existing at the time of the passage of this act, shall absolutely cease and terminate, and the powers, duties and offices of all officers, policemen, employes and members of the police force of the city of Troy shall cease and terminate and they shall be discharged from duty.

Powers of existing board, when to cease.

§ 7. A majority of the said commissioners shall form a quorum for the transaction of business.

Quorum.

Salary. § 8. No salary shall be attached to the office of a police commissioner.

Annual tax. § 9. The common council of the said city is hereby authorized and required to raise annually by tax on the freeholders and inhabitants of said city, and the taxable property therein liable to taxation, the sum necessary to defray the salaries and expenses of the police force hereby created.

Station-houses, etc. § 10. The common council of said city shall provide, at the expense of said city, all necessary accommodations in the station-houses within each police precinct required by said board of police for the use of the police force of such precincts, and for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses.

Excise commissioners, *ex-officio*. § 11. The said board of police commissioners shall be, by virtue of their office, excise commissioners of the city of Troy, and shall possess the powers conferred, and discharge the duties imposed, upon boards of excise in cities by law, and there shall be no other board of excise in said city.

License fees. All fees for licenses issued by said board of police commissioners acting as such board of excise in the said city of Troy, and all excise fines and penalties provided for by law shall be received by said board of police commissioners, and shall be paid to the chamberlain of said city of Troy monthly, for the use and benefit of the poor fund of said city, and toward paying the expense of maintaining the poor of said city.

Clerk of excise board. The said board of excise shall have power to appoint a clerk of said board, at an annual salary not exceeding one thousand dollars, payable quarterly; but no compensation shall be paid to said commissioners of police for acting as such commissioners of excise.

Record of proceedings. § 12. The said board of police commissioners shall keep a record of its proceedings, and all the books and papers belonging to the said board shall be at all times open to the inspection of the public.

Superintendent, captains, etc., to be appointed. § 13. The said board of police commissioners shall have exclusive power to appoint a superintendent of police, three captains of police, three police detectives, one of which shall be the chief detective, nine sergeants of police, patrolmen not to exceed sixty in number, a police clerk, who shall also be secretary to the board of police commissioners and police property clerk, a surgeon of police and three police station-house keepers.

Supernumerary policemen. The said board of police commissioners shall also have power to appoint supernumerary patrolmen, not to exceed five in number.

Details for special duty. § 14. The said board of police commissioners shall, whenever expedient, and on the application of a corporation, or person or persons, showing the necessity thereof, detail regular patrolmen of the police force, or appoint and swear any additional number of special patrolmen to do special duty within the said city, the person or persons by whom the application shall be made paying to the said patrolmen so detailed, a sum of money not exceeding the actual cost of the said detail for special duty.

To be subject to orders of superintendent, etc. The patrolmen so additionally and specially appointed shall be subjected to the orders of the superintendent of police, and shall obey the rules and regulations of said board of police commissioners and conform to its general discipline, and to such special regulations as shall be made, and shall wear such dress and emblems as the said board may direct, and shall, during their term of holding such appointment, possess all the powers and privileges, and discharge all the duties of patrolmen of the police force, or such special duties as may be assigned to them by the board of police commissioners, and they may be removed at any time by the said board without cause assigned therefor, upon notice to the person or persons who applied

for the appointment as aforesaid. The said supernumerary patrolmen, who shall not exceed five in number, shall only be appointed by the said board of police commissioners for the purpose of temporarily filling the place and discharging the duties of the regular patrolmen who may be absent from duty from time to time, and while on duty shall possess the same powers and be subject to the same duty and discipline as regular patrolmen, and they shall receive such pay as the board of police commissioners may determine, not exceeding the per diem pay of regular patrolmen, but the same number of patrolmen, including acting supernumerary patrolmen, shall not exceed sixty-five. Appointment only to be temporary. Number.

§ 15. The superintendent of the police shall receive an annual salary not exceeding eighteen hundred dollars. Each captain of police shall receive an annual salary not exceeding one thousand dollars. Each sergeant of police shall receive an annual salary not exceeding nine hundred dollars; and each patrolman shall receive an annual salary not exceeding eight hundred and fifty dollars; and each station-house keeper an annual salary not exceeding five hundred dollars. The chief detective shall receive an annual salary not exceeding one thousand four hundred dollars, and the two other detectives shall each receive an annual salary not exceeding one thousand dollars. The police clerk, who shall also be secretary to the board of police commissioners and also police property clerk, shall receive an annual salary not exceeding one thousand dollars. The police surgeon shall receive an annual salary not exceeding four hundred dollars. The sum of one hundred dollars shall be annually set apart for message service. The said salaries, in part, shall be paid monthly by the chamberlain of said city to each person entitled thereto, in modes to be prescribed by the rules and regulations of the board of police commissioners, subject to such deduction each month from the salary or pay of members of said police force as the said board shall make to satisfy fines imposed on any member of said force by way of discipline or punishment, and as prescribed by the rules and regulations of the said board of police commissioners. The said board of police commissioners shall annually fix the salaries of said officers, patrolmen and employes of said police force. Salary of superintendent and other members of police force. Police clerk. Surgeon. Message service. Salaries to be paid monthly. Fines.

§ 16. The said board of police commissioners, for meritorious and extraordinary services rendered by any member of the police force in due discharge of his duty, may permit any member of the police force to retain, for his own benefit, any reward or present tendered him therefor; and it shall be proper cause of removal from said force for any member thereof to receive any such reward or present without giving notice thereof to the said board. Upon receiving such notice the said board may either order said member to retain the same or pay it over to the chamberlain of said city. Board may permit members to retain rewards for meritorious service.

§ 17. All fines imposed by the board of police commissioners upon members of the police force, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid and given for extraordinary services of any member of the police force (except when allowed to be retained by such member), and all moneys remaining for the space of one year in the hands of the property clerk, arising from the sale of unclaimed goods, and all proceeds of suits for penalties under this act, shall be paid over to the chamberlain of said city of Troy. Fines, etc.

§ 18. The board of police commissioners shall appoint all the members of the said police force, and whenever vacancies occur in said force, or further or additional members to said force are required according to the provisions of this act, such vacancies shall be filled and Appointment of members of the force and

filling vacancies. Removals.

such additional members made by appointment by the said board. All officers and members of the Troy police force, subject to removal for cause hereinafter specified, shall hold their offices during good behavior, or as each shall well and faithfully observe and execute all the rules and regulations of the said board, the laws of the State and the ordinances of the city of Troy. No member of said police force shall be removed from his office without having written charges preferred against him, and the same having been publicly heard and examined by the said board after due notice thereof to him by the said board. No person shall be appointed to any office or place in the said police force of the city of Troy who is not a citizen of the United States, or who has ever been convicted of crime, or who cannot understandingly read and write in the English language, or who shall not have resided in the State during one year preceding his appointment.

Written charges must be preferred.

Superintendent of police, powers of.

§ 19. The superintendent of police, appointed according to the provisions of this act, shall be the chief executive of the Troy police force, and he shall obey, and cause the force under him to obey, the rules and regulations that may, from time to time, be established by the said board of police commissioners, in accordance with the provisions of this act.

Charge of detective force.

§ 20. The board of police commissioners shall have the charge of organizing and directing a detective staff, of not more than three persons, which staff shall, from time to time, be selected, designated and detailed for services connected with the prompt detection and to aid in the punishment of crime, and in such manner as the board of police commissioners may direct; the said selection to be made from the members of the police force.

Special patrolmen.

§ 21. The board of police commissioners may also, upon any emergency or apprehension of riot, pestilence, or invasion, appoint as many special patrolmen, without pay, from among the citizens, as it may deem desirable; and during any day of public election it may appoint, to perform duty in the said city of Troy, so many special patrolmen as may be required to keep order during such election, who may be paid for their services, as such special patrolmen on such day, two dollars each out of the police fund to be contributed by said city; provided, however, that each special patrolman so appointed shall, at the time of his appointment, make an oath, before a commissioner or the superintendent of police, that he will not interfere in any manner with the election taking place on the day for which he is appointed, otherwise than by depositing his own vote; and providing that said pay may be withheld, and he may be duly prosecuted as for a misdemeanor, if the terms of said oath be violated; and during the term of service of any special patrolman authorized as aforesaid, he shall possess all the powers and privileges, and perform all the duties of a patrolman of the standing force, and he shall wear such emblem as shall be prescribed and furnished by said board of police commissioners.

Pay of. Proviso.

Misdemeanor to interfere in elections.

Resignations.

§ 22. No member of the police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the said board, unless he shall have given to the superintendent of police one month's notice, in writing, of his intention so to do; every member of the said police force must have residence within the city of Troy.

Police information.

§ 23. The said board of police commissioners shall, at all times, whenever consistent with the rules and regulations of said board and with the requirements of this act, furnish all police information desired by the common council of said city.

§ 24. The said board of police commissioners shall have power to issue subpœnas, tested in the name of its president, to compel the attendance of witnesses upon any proceeding authorized by its rules and regulations. Each commissioner of police, and superintendent of police, is hereby authorized and empowered to administer oaths and affirmations to any person appearing in any matter or proceeding authorized as aforesaid, and to take any depositions necessary to be made under the rules and regulations of said board for the purposes embraced in this act; and any willful and corrupt false swearing by any witness or person to any material fact in any necessary proceeding, under the said rules and regulations of this act, shall be deemed perjury, and be punished in the manner now prescribed by law for that offense; and, in case any person subpœnaed under this section shall fail or refuse to obey such subpœna, or refuse to take, when required, the proper oath or affirmation, or to answer any proper question, upon the presentation of satisfactory proof of the same to a justice of the supreme court or a judge of Rensselaer county, it shall be the duty of the justice or judge to whom such presentation shall have been made to issue an order, returnable before him at an early day, requiring the person so failing or refusing to show cause why an attachment should not issue against him; and to adopt such other and further measures to compel the person to appear and testify, and to punish disobedience, as if the matter were legally pending in the supreme court, or in the county court of said county.

Subpœnas.

Power to administer oaths, etc.

False swearing to be deemed perjury.

Proceedings to compel witnesses to testify.

§ 25. The said board of police commissioners, in furtherance of the police government of the said city of Troy, and for promoting and perfecting the police discipline of subordinates and of the members of said police force, is empowered to enact and from time to time to modify and repeal by-laws, ordinances, rules and regulations of general descriptions, wherein, in addition to such other provisions as said commissioners may deem expedient, there shall be particularly defined, enumerated and distributed, the powers and duties of the superintendent of police and captains of the police force, of the clerk of said police and of all other members of said police force; and wherein shall be specified the modes of appointment to and removal from office of members of said police force, and the manner of discipline of said police, provided that such by-laws, ordinances, rules and regulations shall not conflict with any of the provisions of this act, or with the constitution of the United States, or that of this State. Nothing in this act shall be so construed as to prevent the said board of police commissioners from summarily arraigning and trying any member of said police force, or clerk, surgeon or detective under said board of police commissioners, for insubordination, disobedience of orders, rules or regulations, or neglect of duty, or for intoxication or misbehavior while on duty. The charge shall be stated to said delinquent in writing, and if, on investigation, the charge shall, in the opinion of the said board of police commissioners, or a majority of them, be sustained, the said board shall have power and it shall be their duty to dismiss such person from service and to appoint another person in his stead, any thing in this act to the contrary notwithstanding.

By-laws, etc.

Proviso.

Act, how to be construed.

Charges to be in writing.

§ 26. It is hereby made the duty of said police force, at all times of the day and night within the said city of Troy, and the members of said force are accordingly hereby thereunto empowered, especially to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and insurrections, protect the rights of persons and of property, guard the public health, preserve order at every primary and

Police force to preserve the public peace, etc.

public election, remove nuisances from public streets, and public and private alleys, roads, places and highways; repress and restrain disorderly houses and houses of ill-fame; to arrest all street beggars and mendicants; to provide a proper police attendance at every fire, in order that thereby the firemen, fire-engines and property exposed, may be suitably protected and assisted; to assist, advise and protect emigrants, strangers and travelers in public streets and at landings of ferry and steamboats, river boats and canal boats, and at the union depot, and all railway stations; enforce every law relating to the suppression and punishment of crime, or the observance of Sunday, or regarding pawnbrokers, emigrants, or elections, or gambling, or intemperance, or lotteries, or lottery policies, or vagrants, or disorderly persons, or the public health, or any ordinance or resolution of the common council of said city, applicable to police, health or criminal procedure.

Arrests.

§ 27. Any member of the said police force shall have power and authority, immediately and without process, to arrest and take into custody any person who shall commit, or threaten to attempt to commit, in the presence of such member, or within his view, any breach of the peace or offense directly prohibited by act of legislature, or by any ordinance of the city, the violation of which is a penal offense; but such member of the police force shall, immediately upon such arrest, convey, in person, such offender before the nearest magistrate, that he may be dealt with according to law.

Exempt from jury duty.

§ 28. No person holding office under this act shall be liable to military or jury duty, or to arrest on civil process, or to service of subpœna from civil courts, while actually on duty.

Detention of witnesses.

§ 29. The said board of police commissioners is authorized, from time to time, to provide suitable accommodations for the detention of witnesses within said city who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in rooms other than those used for the confinement of persons charged with crime, fraud or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of said board in respect to their detention.

Suspensions from pay.

§ 30. The said board of police commissioners may suspend from pay or duty, or both, any member of the said force, but not longer than thirty days from pay at any one suspension.

Superintendent to make quarterly reports.

§ 31. The said superintendent of police shall make to the said board of police commissioners quarterly reports, in writing, of the condition of the police force, with such statistics and suggestions as he may deem advisable to submit for the improvement of the police, government and discipline of the said force. The said board of police commissioners, on or before the first Monday of December in each year, shall make a report in writing to the common council of said city, upon the condition of the said police force of the said city.

Board to report annually.

General powers of superintendent and captains.

§ 32. The superintendent of police and the captains of police within their precincts shall possess powers of general police supervision and inspection over all pawnbrokers, junk-shop keepers, cartmen, hackmen, dealers in second-hand merchandise, intelligence office keepers and auctioneers of watches and jewelry, within said police district; and, in the exercise and in furtherance of said supervision, may, from time to time, empower members of the police force to fulfill such special duties in the aforesaid premises as may, from time to time, be ordained by said board of police. The said superintendent and captains within their precincts may, by authority in writing, empower any member of said police force, whenever such member shall be in search of property

Search of suspected offenders.

feloniously obtained, or in search of suspected offenders, to examine the books of any pawnbroker or his business premises, or the business premises of any junk-shop keeper, or dealer in second-hand merchandise, or intelligence office keeper. Any such member of said police force, when thereto authorized in writing as aforesaid, and having in his possession a pawnbroker's ticket or receipt, shall be allowed to examine the property purported to be pawned, pledged or deposited on said ticket or receipt, in whosesoever possession said property may be, but no such property shall be taken from the possessor thereof without due process or authority of law. Any willful interference with the said superintendent or captain, or with any member of said police force, while in official and due discharge of duty, by any of the persons hereinbefore named in this section, shall be deemed a misdemeanor, and punishable as such. If any member of said police force, or if any two or more householders, shall report in writing, under their or his signature, to the superintendent of said police force, that there are good grounds, stating the same, for believing any house, room or premises, within said police district, to be kept or used as a common gaming house, common gaming room or common gaming premises, for therein playing for wagers of money at any game of chance, or to be kept or used for any lewd or obscene public amusement, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for such superintendent to authorize any member or members of said police force to enter the same, who shall forthwith arrest all persons there found offending against any law, and seize all implements of gaming, lottery tickets and lottery policies, and convey any person so arrested before the nearest magistrate, and bring the articles so seized to the office of the said board of police commissioners. It shall be the duty of such superintendent to cause such arrested persons to be vigorously prosecuted, and such seized articles to be destroyed. It shall be a misdemeanor, punishable by imprisonment in the county jail, or in the Albany penitentiary for not less than one year and not exceeding two years, or by a fine of not less than two hundred and fifty dollars, for any person, without justifiable or excusable cause, to use, or incite any other person to use, personal violence upon any elector upon election day in said city, or upon any member of the police force thereof when in the discharge of his duty; or for any such member willfully to neglect making any arrest for an offense against the law of this State, or any ordinance in force in any part of the said city, or for any person not a member of said police force, falsely to represent himself as being such a member, with a fraudulent design upon persons or property.

Examination of pawnbrokers' books, etc.

Willful interference with policemen, a misdemeanor.

Gaming houses, etc, entry of, etc.

Personal violence, etc., to electors on election day, etc., punishment of.

§ 33. The said board of police commissioners shall cause to be kept general complaint books, in which shall be entered any complaint of a police nature, preferred upon a personal knowledge of the circumstances thereof, with the name and residence of the complainant; they shall also cause to be kept books of registration of lost, missing and stolen property, for the general convenience of the public and for the information of said police force. The said board shall cause to be kept books of record of said police department, wherein shall be entered the name of every member of said police force, with the time and place of his nativity, the place where and the time when (if born out of the United States) he became a citizen of the United States; his age upon becoming such member, and his former occupation, the number of his family, and the residence thereof, and the date of his appointment, and his resignation of, or withdrawal or dismissal from, said force, with the

General complaint books to be kept.

Record books.

cause of the latter; and against all such entries sufficient space shall be left wherein to make record of any special arrests made, from time to time, by such member, or of any special service deemed meritoriously by the board, done by him. Such books shall be, at all business hours and when not in actual use, open to public inspection. The said board shall also cause to be kept and bound all police returns and reports from any member of said force, and all minutes of the proceedings of said board, which returns, reports and minutes shall be open for public inspection only in the discretion of said board.

Police returns to be kept and bound, and open for inspection.

Warrant of appointment.

§ 34. Every member of said police force shall have issued to him by the said board of police commissioners a proper warrant of appointment, signed by the president of said board and countersigned by the secretary thereof, which warrant shall contain the date of his appointment and his rank.

Official security and oath.

§ 35. The said board of police commissioners shall make suitable provisions respecting security to be given by the superintendent of the police and other officers of said force, for the faithful performance of their respective duties. Each member of the police force shall subscribe an oath of office in the constitutional form, in a book kept for that purpose, and shall take said oath before one of the commissioners of police, each of whom is hereby authorized to administer such oath and to certify the taking thereof.

General powers throughout the State.

§ 36. The members of the police force of the said city of Troy shall possess, in every part of the State of New York, all the common law and statutory powers of constables, except for the service of civil process; and any warrant for search or arrest, issued by any magistrate of the State of New York, may be executed in any part of the State by any member of the police force of said city, without any indorsement of said warrant, and according to the terms thereof; and all the provisions of sections seven, eight and nine of chapter two, title two, part four of the Revised Statutes, in relation to the giving and taking of bail, shall apply to this act.

Service of criminal process.

§ 37. All criminal process for any offense committed within said city, issuing out of any court, or from any justice, judge or justice of the peace within said city, and all process, subpœna, bench warrant or otherwise issued by the district attorney of the county of Rensselaer, relating to any offense committed within said city, and all process, warrants or subpœnas issued by any coroner of said city in any inquest held therein relative to the death of any person, or to the cause of any fire in said city, shall be served by a member of said police force, and not otherwise. Said board of police commissioners may detail two policemen of said police force to do duty in the service of process during the sessions of the courts of said county, under the direction of said district attorney; and the expenses of said officers shall be a charge upon the county of Rensselaer, and no constable or marshal shall be paid for attending said courts.

Details for duty under direction of district-attorney.

Expenses.

§ 38. The necessary expenses incurred in the execution of criminal process within said city shall be a charge against the city, town or county as now provided by law. No fees or compensation whatever, other than as herein provided, shall be charged or received by any officer or member of the said police force for the arrest, confinement or discharge of any person, or for mileage and travel, or for serving any warrant, subpœna or process, or for discharging any other duty required by this act; nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime, or for the service of any warrant, subpœna or other process

Not to receive fees.

in any criminal case, except as herein provided. The actual, necessary and reasonable traveling expenses, which shall include board as well as transportation, incurred by any officer or member of the said police force, or by any other officer or citizen who may have been selected to execute any process issued within the said city of Troy, incurred by any such officer or member of the police force, or other officer or person in executing any such process or discharging any duty required of him by the district attorney of the county of Rensselaer, or by any police justice, justice of the peace, judge of a court of record or criminal court, held within the said city for any offense arising within said city, shall be audited and allowed by the said board of police commissioners, and paid by the chamberlain of the said city of Troy. Such charges shall only be allowed upon the affidavit of the person making them, and shall not include any items for traveling expenses in cases wherein transportation has been furnished to the party gratuitously and without pay by him under whatever circumstances such free transportation may have been given. The board of supervisors of the county of Rensselaer shall annually cause to be raised by tax, in the manner provided by law for assessing, levying and collecting the State and county taxes within and for the said county, a sum sufficient to pay the charges and expenses incurred by said police force in the service of all criminal process issuing from the district attorney, or any justice, and a sum sufficient to pay the costs, charges and expenses for police services rendered by any member of the said police force, or by said board of police commissioners in the execution of criminal process, in cases now chargeable to said county, and for services in attending the courts of oyer and terminer and sessions; the same to be assessed, levied and collected as now provided by law, in the same manner, ratio and proportion as the accounts of the deputy sheriffs and constables of said county are now charged, assessed, levied and collected; the amount thereof to be paid as soon as collected by the county treasurer, to the chamberlain of the city of Troy, to be applied toward the general expenses of said police force; and it shall be the duty of the said board of police commissioners to furnish annually to the board of supervisors of the said county an accurate statement of all the moneys paid out by the said board under the requirements of this section, during the preceding year, and the amount so stated shall be paid over by the county treasurer of said county to the chamberlain of the said city of Troy, as aforesaid. The said statement shall be made out in detail, and shall be verified by the superintendent of police or one of the said police commissioners, and the said statement shall also contain an accurate account of the number of days any officer or member of said police force has, during each year, attended the criminal courts of record in said county of Rensselaer, or at the district attorney's office, as required by this act, and the same shall be verified by the oath of the superintendent of police, or one of the police commissioners; and the board of supervisors shall audit and allow said account for moneys paid out, so verified, and shall audit and allow for each day's attendance upon the said courts and the district attorney's office, the compensation which such member of the police force is entitled to receive under this act.

Necessary traveling expenses, etc., to be paid by chamberlain of city.

How allowed.

Annual tax to be levied by board of supervisors.

Statement to be furnished by police board to board of supervisors.

To be verified.

§ 39. It shall be the duty of the said board of police commissioners to see that the arrangements for voting within said city are such as to prevent any avoidable crowding of voters at each election poll, and that the challengers of both and all parties have fair advantages and equal room, rights and privileges for the discharge of their duties at each

Arrangements for voting.

election poll, and that the canvassing of the votes be conducted in an orderly, fair, open and public manner, and no person or officer shall have power to interfere with said board in the discharge of their duties imposed on it by this section.

Patrolmen and poll clerks.

§ 40. It shall be the duty of the board of police commissioners to detail, on the day of any election in the city of Troy, at least one patrolman to each election poll, and appoint four poll clerks for each election district in said city; two of said poll clerks shall be appointed from each of the principal political parties; and such poll clerks shall be clerks to the boards of registry and the boards of inspectors and to the canvassers; and it shall be their duty to keep and preserve the original tallies and to return the same to the said commissioners within twenty-four hours after the canvass shall have been completed, in default of which the neglect or omission shall be deemed a misdemeanor. The poll clerks of each of the two principal political parties shall be appointed upon the nomination of the commissioner or commissioners, respectively, representing the party from which said poll clerks shall be appointed. The said board of police commissioners shall also provide ballot-boxes for use at any and all such elections, and to have the custody of said boxes at all times except during the taking, receiving and counting of the votes. The said city of Troy shall pay the expense of procuring and taking care of the said ballot-boxes. It shall also be the duty of the said board of police commissioners, on or before the first day of September in each year, except in the year eighteen hundred and eighty-one, to appoint four inspectors of election for each election district in said city, two of whom shall be appointed from each of the two principal political parties as shown by the returns of the last preceding general election held in this State. The inspectors of election so appointed shall hold their said offices for a term of one year from and after their said appointment, except the inspectors of election appointed in eighteen hundred and eighty, whose terms of office shall commence on the Tuesday succeeding the second Monday in November, eighteen hundred and eighty, and expire when their successors shall have been appointed in eighteen hundred and eighty-two, pursuant to the provisions of this act.

Original tallies to be preserved.

Poll clerks to be appointed on nomination of commissioners.

Ballot boxes.

Inspectors of election

Term of office of.

Stolen property, etc., preservation of.

§ 41. All property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall thereafter be taken into the custody of any member of said police force, or of any criminal court in the city of Troy, or which shall come into the custody of any police justice within said city of Troy, shall be by such member or justice, or by order of said court, given into the custody of and be kept by the property clerk of said city; and all such property and money shall be particularly registered by said property clerk, in a book kept for that purpose, which shall contain also a record of the names of the persons from whom such property or money was taken, the names of the claimants thereof, the time of the seizure, and any final disposition of such property or money.

When property to be returned to persons from whom taken.

§ 42. Whenever property or money shall be taken from persons arrested and shall be alleged to have been feloniously obtained, or be the proceeds of crime, and whenever brought with the claimant thereof and the person arrested before some magistrate for adjudication, and the magistrate shall then and there be satisfied from evidence that the person arrested is innocent of the offense alleged, and that the property rightfully belongs to such person, then the said magistrate may thereupon, in writing, order such property or money to be returned to such person, and the property clerk (if he have it) to deliver such property

or money to the accused person himself, and not to any attorney, agent or clerk of such accused person. If any claim to the ownership of such property or money shall be made on oath before the magistrate, by or on behalf of any other person than the person so arrested, and the said accused person shall be held for trial or examination, such property or money shall remain in the custody of the property clerk until the discharge or conviction of the person accused.

Property to be registered and advertised.

§ 43. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom the same was so taken, and all lost property coming into the possession of any member of said police force, and all property and money taken from pawn-brokers as the proceeds of crime, or by any such member taken from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves, shall, as soon as practicable, be transmitted to the property clerk of said police force, to be duly registered and advertised for the benefit of all persons and parties interested, and for the information of the public as to the amount and disposition of the property so taken into custody by the police.

When to be sold.

§ 44. All property and money that shall remain in the custody of the property clerk for the period of six months without any lawful claimant thereto, after having been advertised three times in the two official newspapers, shall be disposed of as follows: Such property shall be sold at public auction according to the tenor of such advertising, and the proceeds of such sale shall be paid over to the chamberlain of the said city of Troy.

When detained as evidence.

§ 45. If any property or money placed in the custody of the property clerk shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court. Such property shall, however, not be retained in said court, but shall be returned to said property clerk to be disposed of as hereinbefore provided.

Enforcement of ordinances.

§ 46. The board of police commissioners shall at all times cause the ordinances of the city of Troy, not in conflict with the provisions of this act, to be properly enforced, and it shall be the duty of the said board at all times, when consistent with the rules and regulations of the said board of police commissioners, and with the requirements of this act, to furnish all the information known to the said board to any citizen of the said city who may desire the same.

Detail for meetings of common council.

§ 47. The board of police commissioners shall detail a member of said police force, whose duty it shall be to attend the meetings of the common council of said city to act as sergeant-at-arms under the orders of the president of the said common council.

§ 48. All acts and parts of acts inconsistent with or repugnant to this act are hereby repealed.

§ 49 This act shall take effect immediately.

CHAP. 329.

AN ACT to establish a board of fire commissioners for the village of West Troy in the county of Albany.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Meeting of trustees.

SECTION 1. The board of trustees of the village of West Troy shall meet at Corporation hall, in said village, on the fourth Monday in May, eighteen hundred and eighty, at eight o'clock in the evening, and if, for any cause, a sufficient number of the members of said board do not attend at that time, said board shall adjourn to the next day at the same hour, and adjournments may be had from day to day, as occasion may require, but no adjournment for the purpose of transacting the business required of said board by the next section of this act shall extend beyond the thirty-first day of May in the year eighteen hundred and eighty. In all cases of adjournment of said meeting the clerk of said village shall notify all absent members of said board of the time of such adjournment and the business for which said meeting is to be held.

Clerk to notify members of adjourned meeting.

Board of trustees to appoint fire commissioners by ballot.

Two from each party.

Fifth must receive votes of seven members.

Successors, how to be appointed.

§ 2. Said board of trustees shall, at the meeting provided for in the preceding section of this act, appoint five fire commissioners for said village, who shall also be electors of said village, in the following manner: Each commissioner shall be appointed separately and by ballot, and the first four commissioners shall be two from each of the two principal political parties of this State, and receive a majority of the votes of all the members of said board of trustees. The fifth and last commissioner may be from any political party, but must receive, at least, the vote of seven members of said board of trustees. Thereafter, the successors of said commissioners shall be appointed by ballot, and those of the first four commissioners so appointed must receive a majority of the votes of all the members of said board of trustees, but the successors of the fifth and last commissioner so appointed must receive, at least, the votes of seven members of said board of trustees.

Duty of clerk.

The clerk of the board of trustees shall duly record in the book of village records the names of such commissioners so appointed, the vote by which they were severally appointed, and the vote thereafter required for the appointment of their successors.

One commissioner to be appointed annually.

The said board of trustees of said village shall, annually, on the third Monday of February thereafter, appoint one commissioner in place of the commissioner whose term of office will expire, as hereinafter provided for, from the same political party to which the said retiring commissioner belonged, except that the successor to the fifth and last commissioner to be appointed under and by virtue of this act may be from any political party, but must in all cases be appointed in the manner hereinbefore set forth.

When president to appoint fifth commissioner.

If the said board of trustees fail to appoint said fifth and last commissioner before the first day of June, eighteen hundred and eighty, he shall on that day be appointed by the president of said village and the four commissioners already appointed.

Vacancies.

Thereafter when a vacancy occurs in said office of fire commissioner, and the board of trustees fail to fill such vacancy within two weeks after having received official notice thereof, a commissioner shall be appointed by the president of said village, together with the commissioners whose terms of office have not expired.

§ 3. The said commissioners shall be divided into five classes, consisting of one commissioner each, whose terms of office shall expire respectively on the first day of March, eighteen hundred and eighty-one, eighteen hundred and eighty-two, eighteen hundred and eighty-three, eighteen hundred and eighty-four and eighteen hundred and eighty-five, the commissioners determining among themselves by lot to which of said classes they shall respectively belong, and the term of office of all the commissioners thereafter appointed shall be five years, but such commissioners may continue in office until their successors are duly appointed and have taken and filed the oath of office. Such commissioners during the time of such service shall be ineligible to and shall hold no other village or ward office.

Commissioners to be classified.

Not to hold other office.

§ 4. On or before the first Tuesday of June, one thousand eight hundred and eighty, the fire commissioners, appointed as provided by this act, having first taken and filed with the village clerk the constitutional oath of office, shall meet at Corporation hall, in said village, and after having determined by lot to which of the several classes each of them shall belong, shall organize into a board to be known and designated as the "Board of Fire Commissioners of the village of West Troy," and who shall exercise the powers and fulfill the duties connected with and incident to the control, government and discipline of the fire department of said village. The commissioners appointed by virtue of this act shall not directly, or indirectly, be paid or receive any compensation for their services as such. They shall select from their number one who shall be chairman of the board. They shall also select from their number one who shall be clerk of the board, whose duty it shall be to record its proceedings in a book for that purpose, and do all such clerical work as by this act is devolved on the board. Any vacancy in the number of said commissioners shall be filled by the board of trustees of said village in the manner provided in section two of this act, within two weeks after the notice thereof has been received from the board of fire commissioners, and the person appointed to fill the vacancy shall hold office until the expiration of the term of office of the commissioner whose place he was appointed to fill. The said commissioners may be removed by the board of trustees of said village, upon proof, for official or other misconduct, but not otherwise. Such commissioners shall be furnished with a copy of the charges preferred and an opportunity given for a defense thereof. Said commissioners may resign their office to said board of trustees, subject to the acceptance of said board.

Official oath.

Corporate name.

Commissioners not to receive compensation.

Chairman.

Clerk.

Vacancies.

Removal from office

§ 5. The said board of fire commissioners of the village of West Troy shall provide suitable rooms for the meetings of the said board; such meetings shall be held at such times as shall be appointed by the chairman of the board, or a majority of the members thereof, and the attendance of four commissioners shall be necessary to constitute a quorum. No meeting of the board shall be held for the appointment or discharge of any paid employee without serving a written or printed notice thereof, upon each of the commissioners, or leaving it at his place of residence, at least three hours before the time of meeting, and no appointment or discharge of any such employee shall be made, except by the affirmative vote of a majority of all the commissioners.

Room for meetings.

Meetings for appointment or discharge of paid employee only to be held on notice.

§ 6. The present chief and assistant engineers and the paid employees of the fire department of said village shall continue in office and employment until the first Tuesday of June, one thousand eight hundred and eighty, but for no longer period, unless by vote of a majority of said board of fire commissioners.

Present officers and employees to remain till first Tuesday in June.

Chief, and two assistants, to be appointed. Compensation.

§ 7. The said board shall, at their meeting on the first Tuesday in June, one thousand eight hundred and eighty, appoint from the active or exempt firemen of said village a chief engineer and two assistant engineers of the fire department. The compensation of the chief engineer shall be two hundred dollars per annum. The compensation of each assistant engineer shall be one hundred dollars per annum.

Powers and duty of chief. To make report. To be present at fires. May suspend members.

§ 8. The chief engineer of the fire department shall, under the direction of the board of fire commissioners, have the general superintendence and custody of the fire engines and other fire apparatus, public cisterns, and other conveniences, for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order, and to make report, in writing, to the board of fire commissioners of the state of the fire department, on or before the third Tuesday of March in each year, and at such other times as the commissioners may require. It shall be his further duty to be present at fires and to take command of the fire companies present, and to exercise a general supervision and control of the operations and proceedings of the different companies present, and to give directions concerning the same. He shall also have power and discretion to suspend from duty any member or company of said fire department, and report the same to the board of fire commissioners for their action. Any member or company of the said fire department so suspended shall have an opportunity to be heard in their defense before said board of fire commissioners. It shall be the duty of the assistant engineers to be present and aid the chief engineer at all fires; and in case of his absence, the powers and duties of the chief engineer shall be exercised and discharged by the senior assistant engineer.

Duty of assistants.

Several companies to continue. To be under the control of commissioners.

§ 9. The several fire companies at present composing the fire department of said village shall continue under the same names and organizations as at present, but each officer, member or company thereof shall, after the passage of this act, be under the control and government of said board of fire commissioners, and be subject to suspension or removal by said board. The election, resignation or expulsion of an officer or member of any fire company in said village shall be subject to the confirmation of said board of fire commissioners.

Annual tax, etc.

§ 10. The board of trustees of West Troy shall raise by tax annually, at the same time and in the same manner that other village expenses are provided, the sum of three thousand dollars, or so much as with the unexpended balance of the moneys applicable to the payment of the ordinary expenses of the fire department, shall be necessary to make up the said sum of three thousand dollars, which shall be known as the "fire department fund," all expenditures from which shall be under the control and direction of the said board of fire commissioners and from which the chamberlain of said village shall pay the salaries of the chief and assistant engineers, the contingent expenses of the fire department, and for rent, furniture, fuel, light, stationery, printing, advertising and necessary supplies and repairs, upon the warrant of the board of fire commissioners. All warrants of said board must be authorized by a vote of the board, and be signed by the president and secretary thereof.

Estimate of amount required to be made.

§ 11. The said board of fire commissioners shall, on the fourth Tuesday in March in each year, and at such other times as in their judgment may be necessary, prepare an estimate which shall contain and include in detail all such sums of money as in the judgment of said board of fire commissioners will be actually required for the payment of employees, the purchase of hose apparatus, horses, fire alarm tele-

graph, real estate and all equipments of any description or kind pertaining to the fire department of said village. Such estimate shall be furnished to the board of trustees of said village, and by said board submitted to the taxable inhabitants of said village at an annual or special tax meeting held in pursuance of the charter of said village. All moneys so directed to be raised shall be by the chamberlain of said village kept in separate funds for the specific objects for which the several amounts shall have been voted, and all expenditures therefrom shall be under the control and direction of the board of fire commissioners, and the chamberlain shall make payment of claims from said funds upon the warrant of the said board of fire commissioners, issued as prescribed in section ten, and specifying the particular fund from which the same shall be paid.

To be submitted to vote of tax payers.

§ 12. All bills for expenditures and services connected with the said fire department must be audited and ordered paid by the board of fire commissioners, before the same can be paid by the chamberlain. The said board of fire commissioners shall, on or before the first Monday in April in each year, present to the board of trustees of said village a report showing a complete inventory of all the property under their charge, which report shall also exhibit a particular statement of all fire alarms and fires which have occurred in said village during the preceding year, together with the cause of all such fires, as far as the same shall have been ascertained. It shall also exhibit a particular statement of losses caused by such fires, and of all insurance thereon. It shall also show the amount of hose which shall have been used, the source whence the supply of water was derived, the names of all officers and members of said fire department and of the companies therein, and the names of all persons in the employ of said fire commissioners and the compensation paid to them, and a statement of all expenses paid or incurred in the fire department during the year, and such other information relating to the fire department as to the said commissioners shall seem important.

Bills to be audited.

Annual report.

Statement of losses, etc.

§ 13. The said board of fire commissioners shall not, nor shall any member thereof, have the power to incur any debt or liability on the part or behalf of said village, or to assent to the incurring of any such debt or liability beyond the amount of taxes applicable to the payment of such debts or liabilities which shall have been voted or directed to be raised in pursuance of the provisions of this act, but any such commissioner or commissioners assuming to incur, or assenting to any such debt or liability, shall be jointly and severally liable in their individual capacity to pay the same, nor shall any of the money or property of said village be applied to the payments of any such debt or liability, or be liable in any manner to be taken therefor.

No debts to be incurred beyond amount of tax.

§ 14. The said board of fire commissioners shall, on the first Tuesday of June in each year after the passage of this act, appoint all the officers and employees of the said fire department as provided for in this act, and the terms of office and employment of all such officers and employees shall be one year, unless sooner removed by said board of commissioners. Any officer or employee of the said fire department or any fireman in said village may for good cause be removed by said board of commissioners.

When officers and employees to be appointed.

§ 15. Whenever horses shall have been purchased for the use of said fire department, the board of trustees of said village may, by and with the consent of the board of fire commissioners, cause the said horses to be used for drawing garbage, or cleaning the streets and alleys of said village.

Horses to be used to draw garbage, etc.

Rules, etc

§ 16. The board of fire commissioners shall make such rules and regulations as to it may seem best for the government of themselves or the fire department, provided such rules and regulations shall not conflict with the laws of this State or of the United States.

Commissioners to have charge of property. Sale of same.

§ 17. The said board of fire commissioners shall have charge of all property now in use or hereafter to be acquired by the village of West Troy for the purpose of extinguishing fires, including all the rooms for storing the same. The said board of fire commissioners shall also have power, by and with the approval of the board of trustees of said village, to sell the same, or any part thereof, except real estate, the proceeds of such sales to be forthwith paid over to the chamberlain of said village, and by him kept in a separate fund, the moneys of which may by the said board of fire commissioners be applied to the purchase of other apparatus or property, or for any other fire department purposes not properly chargeable to the "fire department fund" as provided in section ten of this act; but any such moneys not so used or appropriated shall be taken into account in computing the amount necessary to be raised by tax in the next succeeding year to make the said "fire department fund" equal to the sum of three thousand dollars as hereinbefore provided, and shall thereupon be credited by the chamberlain to said fund.

Appropriation.

§ 18. All moneys in the hands of the chamberlain of the village of West Troy, which have been raised or provided for fire department purposes and unexpended on the first day of June, eighteen hundred and eighty, are hereby appropriated for the purposes provided by this act.

Accounts to be kept.

§ 19. It shall be the duty of the chamberlain of the village of West Troy to keep an accurate account of all moneys received or paid out by him under and by virtue of this act, or for or on account of the fire department of said village, and he shall not receive any additional compensation for any service required of him under this act.

§ 20. All acts or parts of acts and all village by-laws and ordinances in conflict with this act, in so far as they may conflict, are hereby repealed.

§ 21. This act shall take effect immediately.

CHAP. 330.

AN ACT to amend chapter nine hundred and eighteen of the laws of eighteen hundred and seventy-one, entitled "An act to amend the charter of the city of Cohoes."

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 29, chap. 918, Laws of 1871, amended.

SECTION 1. Section twenty-nine of chapter nine hundred and eighteen of the laws of eighteen hundred and seventy-one, entitled "An act to amend the charter of the city of Cohoes," is hereby amended so as to read as follows:

Expenses not to exceed revenues derived from

§ 29. The board of water commissioners of the city of Cohoes shall so regulate their expenses that the payment to the sinking fund, the interest on bonds for water loans, the payment of bonds otherwise unprovided for, for the use of water to the Cohoes company, for salaries

of officers and labor, material, expenses of repairs, for the extension of the works, new hydrants, gates or other additions or improvements, shall not exceed in any year the revenues derived from water rents nor shall said board increase the water rates in excess of the rates as they existed therefor during the year eighteen hundred and seventy-nine. water rates as they existed in 1879.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 331.

AN ACT to repeal chapter two hundred and eighty-one of the laws of eighteen hundred and seventy-six, entitled "An act to amend an act entitled 'An act to provide for a supply of water in the village of Cohoes,'" and also section two of chapter two hundred and seventy-five of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to provide for a supply of water in the village of Cohoes.'"

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter two hundred and eighty-one of the laws of eighteen hundred and seventy-six, entitled "An act to amend an act entitled 'An act to provide for a supply of water in the village of Cohoes,'" and also section two of chapter two hundred and seventy-five of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to provide for a supply of water in the village of Cohoes,'" are hereby repealed. Chap. 281, Laws of 1876 and sec. 2, ch. 275, Laws of 1870, repealed.

§ 2. All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 332.

AN ACT to amend chapter thirty of the laws of eighteen hundred and eighty, entitled "An act to amend chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy, entitled 'An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy,' and supplemental thereto."

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter thirty of the laws of eighteen hundred and eighty, entitled "An act to amend chapter five hundred Sec. 1, ch. 30, Laws

of 1880, amended. and ninety-eight of the laws of eighteen hundred and seventy, entitled 'An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy,' and supplemental thereto," is hereby amended so as to read as follows.

Election districts. § 1. Every ward of said city containing not more than eight hundred voters shall be an election district; and every ward of said city containing more than eight hundred voters shall, on or before the first Monday of September next, and as often thereafter as may be necessary under the provisions of this act, be divided, by the common council of said city, into two districts, in such manner as shall be entire within one ward, and shall contain, as near as may be, an equal number of voters. The division of said wards into election districts, as hereinbefore provided, shall be based upon the number of votes cast in the said wards at the last general election preceding the said first Monday of September aforesaid.

Division of wards into election districts.

Sec. 2, amended. § 2. Section two of chapter thirty of the laws of eighteen hundred and eighty, is hereby amended so as to read as follows:

City officers to be elected. § 2. The officers of said city shall be a mayor, two aldermen for each ward, a supervisor for each ward, twelve commissioners of common schools, two justices of the Troy justices' court, a constable for each ward, all of whom shall be elected by ballot or appointed, and shall possess the powers and discharge the duties of their respective offices, as now provided by law. There shall also be the following officers of said city, namely: A comptroller, a chamberlain, a city attorney, a city engineer, a city clerk, a health officer, two police magistrates, seven commissioners of the funded debt of said city, five water commissioners, a superintendent of the water-works, six fire commissioners, a chief engineer of the fire department and so many assistant engineers as may be required, all of which officers shall be nominated by the mayor, and be deemed confirmed by the common council, unless rejected as provided in the act hereby amended, excepting the water commissioners, the superintendent of the water-works, the fire commissioners, the chief and assistant engineers now provided for by law. There shall also be a superintendent of public burial grounds, a superintendent of public clocks, a sealer of weights and measures, a pound keeper, a mayor's private secretary, a mayor's messenger, a clerk of the board of health, a city hall janitor and engineer, and as many commissioners of deeds as may, from time to time, be designated, not exceeding two for every one thousand of the inhabitants of said city, all of which officers shall be appointed by the mayor of said city, and be deemed confirmed by the common council, unless rejected as provided by chapter thirty of the laws of eighteen hundred and eighty. There shall also be the following officers of said city, namely: Four general assessors, six commissioners of charities and four police commissioners, who shall be elected and appointed by the common council. There shall also be the following officers of said city, namely: A city superintendent, who shall be appointed by the contracting board, as provided by section six of chapter thirty of the laws of eighteen hundred and eighty; three city physicians, a superintendent of the poor and a clerk of the board of charities, who shall be appointed by the board of charities of said city; and four inspectors of election in each election district, who shall be appointed by the board of police commissioners of said city; and a chief engineer of the fire department of said city, and as many assistant engineers as

To be appointed.

Id

Id.

may be required, who shall be appointed by the fire commissioners as is now provided by law. The comptroller, the chamberlain and the city engineer, by virtue of their office, shall be assessors of said city, known as the local assessors. In case of any vacancy, either by expiration of the term of office, by the death or otherwise, such vacancy shall be filled in the manner prescribed in the provisions of the act hereby amended. The said officers shall possess the powers and discharge the duties of their respective offices as now provided by law.

Local assessors.

§ 3. Section eight of chapter thirty of the laws of eighteen hundred and eighty is hereby amended so as to read as follows:

Sec. 8, amended.

§ 8. The members of the common council shall meet in the common council chamber in the city hall of said city, on the Tuesday succeeding the second Monday of November, eighteen hundred and eighty, and on the Tuesday succeeding the second Monday of November in every year thereafter, and shall then and there organize. The members of the common council shall thereupon take and subscribe the oath of office required by law, and shall elect a president from their number, and shall keep a journal of its proceedings, which shall, at all times, be open for public inspection. The annual meeting of the common council, after the passage of this act, shall be held on the Tuesday succeeding the second Monday of November of every year. On the second Tuesday of June next after the passage of this act, all the powers and duties of the present overseer of the city poor of said city shall cease, and the office of the said overseer of the city poor of said city is hereby abolished.

When members of common council to meet and organize.

Official oath.

Annual meeting of common council.

§ 4. Section nine of chapter thirty of the laws of eighteen hundred and eighty is hereby amended so as to read as follows:

Sec. 9, amended.

§ 9. Upon the organization of the common council provided for in the preceding section, the city of Troy, as established by law, shall be vested with all the powers, rights, privileges and immunities incident to a municipal corporation, and necessary for the proper government of the same, and shall possess all the powers, and be subject to the provisions of that portion of the act now in force, passed by the legislature of this State, April twelfth, eighteen hundred and sixteen, to incorporate the city of Troy, and of any act amendatory thereof, except as modified by the provisions of this act. It shall be the duty of the said common council to provide by ordinance for the establishment and regulation of all the departments as prescribed by law, under the proper heads, namely: For law, finance, education, surveys, highways, streets, alleys and avenues, navigation, health, water, gas, fire, the poor, the city property and the public grounds, and such other things as may, from time to time, be needed, not contrary to the provisions of this act. Through the mayor and proper committees the said common council shall maintain a supervision of each department, whether corporate or otherwise, for the exposure and correction of all evils and abuses, and for that purpose may require the production of, and inspect all books and papers, and compel the attendance of witnesses by subpœna, and examine them under oath or affirmation; but no member or members of said common council, whether a committee or otherwise, shall make any disbursements of corporate moneys, nor audit the accounts thereof, nor perform any other executive duty whatever. Any bills passed upon or reported by any committee of said common council, or either of them, shall not be paid unless ordered by said common council, and made out and audited as provided by law.

City of Troy vested with municipal rights and privileges.

Regulation of departments to be established by ordinance.

Supervisory power.

Payment of bills prohibited except by order of common council.

§ 5. Section twenty-three of chapter thirty of the laws of eighteen hundred and eighty is hereby amended so as to read as follows:

Sec. 23, amended.

Who eligible to appointment as commissioner of charities.

§ 23. No person shall be eligible to election or appointment as such commissioner who is not an elector residing in said city, and whenever any such commissioner of charities shall cease to be a resident of said city, his office as a commissioner shall thereupon become vacant. No member of the common council shall hold the office of a commissioner of charities.

Sec. 24, amended.

§ 6. Section twenty-four of chapter thirty of the laws of eighteen hundred and eighty is hereby amended so as to read as follows:

Commissioners not to receive compensation.

§ 24. The persons elected and appointed commissioners of charities shall not receive any salary, nor shall they be directly or indirectly interested in any contract or purchase of any provisions, articles or fuel for the temporary relief of the poor of said city.

Sec. 26, amended

§ 7. Section twenty-six of chapter thirty of the laws of eighteen hundred and eighty is hereby amended so as to read as follows:

Superintendent of the poor.

§ 26. The said commissioners shall annually appoint, by a resolution to be entered in the minutes of their proceedings, an officer, to be known as the superintendent of the poor of the city of Troy, who

Bond of.

shall execute to the city of Troy a bond, with two sureties to be approved by the commissioners of charities, in the penal sum of five thousand dollars, conditioned that the said superintendent shall faith-

Salary.

fully and honestly discharge the duties of his office. The said superintendent shall receive an annual salary not exceeding fifteen hundred dollars, to be fixed by the said board of charities, payable quarterly by

Member of board of health.

the chamberlain of said city. The said superintendent of the poor, by virtue of his office, shall be a member of the board of health of said

Clerk.

city. The commissioners of charities may also annually appoint, by a resolution entered in the minutes of their proceedings, a clerk to assist the said superintendent in the discharge of his duties, who shall receive an annual salary not exceeding eight hundred dollars, to be fixed by the board of charities, payable quarterly by the chamberlain

Bond of.

of said city. The clerk shall execute to the city of Troy a bond with two sureties to be approved by the commissioners, in the penal sum of two thousand dollars, conditioned that the said clerk shall faithfully

City physicians.

and honestly discharge the duties of his office. The said commissioners of charities shall annually appoint three city physicians as now required by law.

Sec. 31, amended.

§ 8. Section thirty-one of chapter thirty of the laws of eighteen hundred and eighty is hereby amended so as to read as follows:

Temporary relief of poor.

§ 31. The said commissioners shall only furnish such provisions and articles as are necessary for the temporary relief of the poor of said city. No order shall be given to any poor person applying for temporary relief upon any dealer or storekeeper. The provisions and articles furnished the said poor shall be dispensed by the superintendent on a written order designating the quantity and kind, signed by the pres-

Orders for.

ident of the board of charities. Any other order for the temporary relief of a poor person of said city shall be signed in like manner, which order the superintendent shall fill according to its directions, and shall transmit to the said person desiring such relief the article or articles so ordered to be given. The person receiving the provisions or articles designated in any order filled by the said superintendent shall sign his or her name and write the place of his or her residence upon the back of the order.

Sec. 39, amended.

§ 9 Section thirty-nine of chapter thirty of the laws of eighteen hundred and eighty is hereby amended so as to read as follows:

General assessors.

§ 39. The common council, at its first regular meeting in March, eighteen hundred and eighty-one, shall elect and appoint two general

assessors in the same manner as provided in sections thirty-seven and thirty-eight of chapter thirty of the act hereby amended, whose terms of office shall be as follows: The term of office of one of the said elected or appointed assessors shall commence when he shall have taken the oath of office required by law, and shall continue until the first Tuesday in January, eighteen hundred and eighty-four; the term of office of the other said assessor, whose election or appointment is provided for by this section, shall commence on the second Tuesday in March, eighteen hundred and eighty-two, and shall expire on the first Tuesday in January, eighteen hundred and eighty-four. The common council shall immediately after such election or appointment designate which one of the said two persons shall hold his office for the term first mentioned in this section, and which one of the said two persons shall hold his office for the term last mentioned in this section.

election of.

Term of office of.

Designation of term.

§ 10. Section twenty-two of title four of chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, as amended by section two of chapter sixty-seven of the laws of eighteen hundred and seventy-seven, is hereby amended so as to read as follows:

Sec. 22, title 4, ch. 129, Laws of 1872, amended.

§ 22. In case any assessment heretofore made or levied shall be or become void, illegal or erroneous for want of jurisdiction, or on account of any irregularity or defect in the manner of levying or making the same, or on account of being declared void, illegal or erroneous by any order, judgment or decree of any court having jurisdiction thereof, the said local assessors shall have the power and it shall be their duty to cause the same to be relieved or re-assessed, as the case may be, in proper manner. Where such void, illegal or erroneous assessment has been made for a local improvement in said city, ordered by the common council or by the board of health of said city as a sanitary measure, the re-assessment shall be made by the local assessors of the city; and in all cases in which any local improvement within the city has been made by order of the board of health of said city, the expense of which, had the same been ordered by common council, should have been apportioned and assessed upon property benefited thereby, it shall be the duty of the local assessors to apportion and assess all such expense upon the property benefited thereby, according to the provisions of this act, and every such assessment shall be a lien to the same extent, and be collected in the same manner as other assessments under the provision of this act. And all unpaid assessments made prior to May third, eighteen hundred and seventy, may be adjusted and settled by the contracting board, upon such terms as said board shall deem just.

In case of void assessments, local assessors to make re-assessment.

When to be re-assessed on property benefited.

Settlement of certain unpaid assessments.

§ 11. Section nineteen of chapter thirty of the laws of eighteen hundred and eighty is hereby amended so as to read as follows:

Sec. 19, ch. 30, Laws of 1880, amended.

§ 19. The common council of said city shall at its first regular meeting, not less than ten days after the passage of this act, elect and appoint six persons as commissioners of charities; two to hold for one year, two to hold office for two years, and two to hold office for three years, who shall constitute a board to be styled the board of charities of the city of Troy. In voting for the said two persons to be elected or appointed commissioners for a term of one year, no member of said common council shall vote for more than one of the said persons, and the two persons receiving the largest number of votes cast shall thereupon be immediately declared elected and appointed the said two commissioners of charities, who shall hold office for the term of one year. The said common council shall immediately thereafter proceed to vote for two commissioners of charities, whose term of office shall be for

Commissioners of charities, election of.

Members to only vote for one.

Id. two years. In voting for the said two persons to be elected and appointed commissioners for the term of two years, no member of the said common council shall vote for more than one of the said persons, and the two persons receiving the largest number of the votes cast shall thereupon be immediately declared elected and appointed. The said two commissioners of charities shall hold office for the term of two years. The said common council shall immediately thereafter proceed to vote for two commissioners of charities, whose term of office shall be

Id. three years. In voting for the said two persons to be elected and appointed commissioners of charities for a term of three years, no member of the said common council shall vote for more than one of the said persons and the two persons receiving the largest number of votes cast shall thereupon be immediately declared elected and appointed the said commissioners of charities, who shall hold office for the term of

If meeting adjourns without electing commissioners. three years. If the said meeting of the common council shall be adjourned without the said six commissioners of charities being elected, the said common council shall proceed at its next meeting with the said election and the said common council shall not transact any other business until the said six commissioners of charities shall have been elected.

Sec. 38, amended. § 12. Section thirty-eight of said act is hereby amended so as to read as follows:

General assessors, election of. § 38. In voting for the said two general assessors, as provided in the preceding section, no member of the said common council shall vote for more than one of said general assessors, and the two persons receiving the largest number of the votes cast shall thereupon be immediately declared elected and appointed the two general assessors for the

Term of office of. said city, who shall hold office for the term of two years. If the said meeting of the said common council should be adjourned without the said two general assessors being elected, the said common council shall proceed at its next meeting with the said election, and the said common council shall not transact any other business, except to elect or appoint the commissioners of the board of charities hereinbefore provided, until the said two general assessors shall have been elected.

§ 13. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 14. This act shall take effect immediately.

CHAP. 333.

AN ACT to further amend section two of chapter one hundred and thirty-nine of the laws of eighteen hundred and seventy, as amended by chapter four hundred and two of the laws of eighteen hundred and seventy-seven, entitled "An act to annex parts of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes, and to annex a part of the city of Albany to the town of Watervliet."

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, ch. SECTION 1. Section two of chapter one hundred and thirty-nine of

the laws of eighteen hundred and seventy, as amended by chapter four hundred and two of the laws of eighteen hundred and seventy-seven, entitled "An act to annex parts of the towns of Bethlehem and Watervliet, in the county of Albany, to the city of Albany, and to exempt such parts thereof from certain taxes, and to annex a part of the city of Albany to the town of Watervliet," is hereby further amended so as to read as follows: 139, Laws of 1870, amended.

§ 2. For a period of fifteen years next ensuing the passage of this act, the taxes levied upon real estate situate within the portions of the towns of Bethlehem and Watervliet described in the preceding section of this act, and hereby annexed to the city of Albany, and in the city of Albany west of Allen street, and upon the personal estates of persons resident in said portion of said towns and city, shall be one per centum less than the taxes levied on other taxable real and personal estate in the city of Albany. But the districts of the country now comprising parts of the towns of Bethlehem and Watervliet, and mentioned in section one of this act, and the inhabitants residing therein, shall not be liable for any taxes, assessments and charges heretofore assessed, levied or imposed upon the city of Albany, nor shall such districts or its inhabitants be liable to assessments or taxation for the reimbursement of any debt heretofore contracted by the city of Albany; nor shall the farming lands lying within said districts and used exclusively as such, be assessed at a valuation greater than the assessed valuation of similar farming lands in the town adjoining, but nothing herein contained shall operate as an exemption of said districts of country from any taxes or assessments now imposed or levied on said districts of country as portions of the present towns of Bethlehem and Watervliet. Rate of tax, for fifteen years, in parts of towns annexed to the city. Not liable for taxes heretofore imposed.

§ 2. This act shall take effect immediately.

CHAP. 334.

AN ACT in relation to the keeping open of the offices of the register, county clerk and county treasurer of the county of Westchester.

PASSED May 20, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The offices of the register, county clerk and county treasurer of the county of Westchester shall be kept open every day in the year from nine o'clock in the forenoon till four o'clock in the afternoon, except Sundays, and all such days as now are or hereafter may be made legal holidays. Office hours.

§ 2. This act shall take effect immediately.

CHAP. 335.

AN ACT to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester, and to consolidate therewith the several acts in relation to the charter of said city," as amended by chapter fourteen, of the laws of eighteen hundred and eighty.

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sub. 6, sec. 129, chap. 143, Laws of 1861, amended.

SECTION 1. Subdivision six of section one hundred and twenty-nine of chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, as amended by chapter fourteen of the laws of eighteen hundred and eighty, is hereby further amended so as to read as follows:

Amount to be raised for teachers' wages.

6. The amount to be raised for teachers' wages and contingent expenses in any one year shall not be less than six dollars nor more than thirteen dollars per capita, based on the average daily attendance of resident pupils in the several public schools of said city, for the school year ending on the first day of May next preceding the levying of the general city taxes in each and every year. A sworn statement of such average daily attendance shall be made by the superintendent of schools, according to the verified monthly reports of the principals of said schools. Nor shall the amount to be raised in any one year to lease, alter, improve and repair school-houses, and their out-houses and appurtenances, exceed ten thousand dollars. Nor shall the amount raised in any one year to purchase and improve sites and build or enlarge school-houses, exceed fifteen thousand dollars; and the common council of said city are authorized and directed, when necessary, to raise by loan, in anticipation of the taxes, the money to be raised, collected and levied as aforesaid.

Statement of average daily attendance to be made

Amount to be raised for school-houses, etc.

§ 2. This act shall take effect immediately.

CHAP. 336.

AN ACT supplemental to chapter one hundred and ninety-four of the laws of eighteen hundred and forty-nine, entitled "An act to vest in the board of supervisors certain legislative powers, and to prescribe their fees for certain services," and to repeal chapter five hundred and ninety-seven of the laws of eighteen hundred and seventy, amendatory of said act.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

In case of the formation of new town,

SECTION 1. Whenever any board of supervisors shall form a new town within its respective county, from parts of other towns, or town which shall have bonded to aid in the construction of any railroad

under any act authorizing the same, and such bonds, or any part thereof, shall remain unpaid, or when any board of supervisors shall change the line of any town which shall have bonded to aid in the construction of any railroad in this State, and such bonds, or any part thereof, shall remain unpaid, the new town so formed and the part or parts taken from a town and added to another town shall pay a proportionate share of such bonds as shall remain unpaid, which share shall be ascertained from the assessed valuation of such town or towns as contained in the last equalized valuation of the assessment roll, made prior to the formation of such town or the change of any such town line.

etc., it shall pay proportionate share of railroad bond.

§ 2. It shall be the duty of the railroad commissioners of the town, any part of whose territory shall have been detached as aforesaid, to render a true statement to the board of supervisors, as now required by the general railroad act, of the amount necessary to pay the proportionate share belonging to the territory detached from their town, which may be then coming due, and the board of supervisors shall add such proportionate share to the sums to be collected from the town so formed, or to the part or parts which shall have been detached from a town and added to another town, to be collected as prescribed by law.

Statement to be made to board of supervisors by R. R. commissioners.

§ 3. The assessors of the town or towns to which shall have been added a part of another town shall yearly, until such bonds be paid, make a separate and distinct list of the taxable inhabitants and lands contained in the territory so annexed in the assessment roll of the said town, in all respects similar in form and manner to the assessment roll as now made. Said list shall be designated in such roll "List of annexed lands and inhabitants."

Assessors to make separate list.

§ 4. Such proportionate share of moneys collected as provided in the second section of this act shall be paid by the supervisor of the town wherein collected to the railroad commissioners of the town or towns from which such territory shall have been detached, and such commissioners shall use such moneys for the payment of the bonds issued in the same manner they are required to use the moneys raised in their own town.

Money to be paid by supervisor to R. R. commissioners.

§ 5. The provisions of this act shall apply to all cases where a new town shall have been formed, or the line of any town shall have been changed by the board of supervisors of any county since the first day of January, eighteen hundred and seventy-nine, where no proceedings have been taken under chapter five hundred and ninety-seven of the laws of eighteen hundred and seventy.

Act to apply to all new towns formed since January 1, 1879.

§ 6. Chapter five hundred and ninety-seven of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to vest in the board of supervisors certain legislative powers and to prescribe their fees, passed April third, eighteen hundred and forty-nine,'" is hereby repealed.

Chap. 597, Laws of 1870, repealed.

CHAP. 337.

AN ACT to amend chapter one hundred and eighty-four of the laws of eighteen hundred and thirty-nine, entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends."

PASSED May 20, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, ch. 184, Laws of 1839, amended.

SECTION 1. Section two of chapter one hundred and eighty-four of the laws of eighteen hundred and thirty-nine, entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends," is hereby amended so as to read as follows:

Trusts of personal estate, for religious society of Friends, how created.

§ 2. Trusts of real or personal estate for the benefit of any meeting of the religious society of Friends may be hereafter created for the use of such meeting according to the regulations and rules of discipline of said society; and the legal estate of any property, so held in trust, shall be vested in the trustees and in those to whom such property may be conveyed in trust, by the appointment of any such meeting, so long as may be required for the objects and purposes of such trusts,

Act, how to be construed.

but nothing contained in this act shall be so construed as to impair or diminish the rights of any person, meeting, or association of persons claiming to be a meeting of the religious society of Friends, which such person, or meeting, or association claiming to be a meeting as aforesaid, had either in law or in equity to or in any real or personal estate held in trust for the use and benefit of any meeting of the said religious society, prior to the division which took place in said religious society at the yearly meeting held in the city of New York in the month of May, in the year of our Lord one thousand eight hundred and twenty-eight; and nothing in this act contained shall authorize

Amount of trust fund limited.

any real or personal estate to be held in trust for any meeting of such society, the annual value or income of which shall exceed twenty thousand dollars.

§ 2. This act shall take effect immediately.

CHAP. 338.

AN ACT to amend chapter one hundred and seventy-eight of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to incorporate the village of Moravia in the county of Cayuga, and to repeal existing laws incorporating said village, passed March fifteenth, eighteen hundred and fifty-nine.'"

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, ch. 178, Laws of 1867, amended.

SECTION 1. Section second of chapter one hundred and seventy-eight of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to incorporate the village of Moravia, in the county of Cayuga, and to repeal existing laws incor-

porating said village, passed March fifteenth, eighteen hundred and fifty-nine,'" is hereby amended so as to read as follows:

§ 2. Section three of title four of said act is hereby amended so as to read as follows: But it shall not be lawful for said trustees to raise by tax any greater sum than one thousand dollars in any one year, exclusive of the poll tax. Amount to be raised by tax limited.

§ 2. The trustees shall have among others the following specific powers, and may make, publish, amend and repeal such rules, regulations, by-laws and ordinances in relation thereto as they may deem necessary or desirable: Specific powers of trustees.

1. To provide for the lighting of the streets and the safety of the lamps.

2. To regulate or prevent all exhibitions or performances for money or hire, or authorize the same on such terms as the trustees may deem expedient.

§ 3. This act shall take effect immediately.

CHAP. 339.

AN ACT in relation to assessments for taxes in Long Island City.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No assessment heretofore made, or that shall hereafter be made, for taxes in Long Island City, shall be invalid by reason of any error, mistake or insufficiency in the owner's name as set down on any assessment roll of said city, or by reason of such owner's name being omitted from such rolls; but all such assessments and taxes shall be deemed to have been legally laid and levied, and such taxes shall be a lien upon the property assessed until discharged by payment. Mistake in or omission of owner's name, not to validate assessment.

§ 2. This act shall take effect immediately.

CHAP. 340.

AN ACT to provide for the settlement of the boundary lines between the State of New York and the States of Pennsylvania and New Jersey, respectively.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whereas, by an act of the legislature, passed the twenty-sixth day of May, eighteen hundred and seventy-five, the regents of the university were authorized and directed, "in connection with the authorities of Pennsylvania and New Jersey, respectively, to replace any monuments which have become dilapidated or been removed, on the boundary lines of those States;" and, whereas, from the examination made by said regents it has been found that said monuments, as Recital. Id.

located by the original joint commissioners, do not conform in all cases to the verbal descriptions of said lines, and questions have arisen between the commissioners of said States as to the proper location of said monuments; therefore, it is hereby declared that the lines originally laid down and marked with monuments by the several joint commissioners duly appointed for that purpose, and which have since been acknowledged and legally recognized by the several States interested, as the limits of their territory and jurisdiction, are the boundary lines of said States, irrespective of want of conformity to the verbal descriptions thereof.

Regents to appoint three of their number commissioners to agree upon location of lines, etc.

§ 2. Said regents are hereby authorized and empowered to designate and appoint three of their number as commissioners to meet such commissioners as have been or may be appointed and vested with similar powers, on the part of the States of Pennsylvania and New Jersey, or either of them, and with such last-mentioned commissioners, as soon as may be, to proceed to ascertain and agree upon the location of said lines as originally established and marked with monuments; and in case any monuments are found dilapidated or removed from their original location, said commissioners are authorized to renew or replace them in a durable manner, in their original positions, and to erect such additional monuments at such places on said lines as they may deem necessary for the proper designation of the boundary lines of said States. The said regents shall report the action of said commissioners to the legislature of this State for its consideration and ratification.

To report to legislature.

Appropriation

§ 3. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury applicable for such purposes, to pay the necessary expenses and disbursements of said commissioners in the performance of the duties required by this act, and the comptroller is authorized to draw his warrant upon the treasurer for moneys hereby appropriated from time to time, as the same may be needed.

§ 4. This act shall take effect immediately.

CHAP. 341.

AN ACT to legalize the official acts of certain justices of the peace.

PASSED May 20, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official acts legalized.

SECTION 1. The official acts of every justice of the peace heretofore done and performed, duly elected or appointed to the office, so far as such official acts may be affected, impaired or questioned, by reason of the failure of any such justice to take and subscribe to the official oath as required by law are hereby legalized and confirmed.

§ 2. Nothing herein contained shall affect any suit or proceeding now pending.

§ 3. This act shall take effect immediately.

CHAP. 342.

AN ACT to vest certain powers in "The president of the Kingston Board of Education, and the supervisor of the town of Ulster, formerly Kingston," and to facilitate the collection of taxes in the Kingston school district.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

President of board of education, and supervisor, to equalize valuations on assessment roll.

SECTION 1. It shall be the duty of the president of the Kingston board of education, and of the supervisor of the town of Ulster, formerly Kingston, before any of the tax lists are prepared for the collection of taxes in the Kingston school district in the county of Ulster, which district was created under and by virtue of the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty-three, and embraces within its boundaries a part of the territory included in the city of Kingston, and also a part of the territory included in the present town of Ulster, formerly Kingston, to proceed to inquire and determine whether the valuation of real property upon the assessment roll of said town is substantially just as compared with the valuation of real property upon the assessment roll in the city of Kingston, so far as said Kingston school district is concerned, and if determined not to be so, they shall alter the valuation of property lying in either town or city so as to make the ratio of valuation just and equal as near as may be throughout the entire Kingston school district. The assessment shall be based upon such equalized valuations. If the supervisor and president aforesaid are unable to agree, they shall summon a supervisor from some adjoining town who shall unite in such inquiry, and the finding of a majority shall be the determination of such meeting. Before proceeding to equalize, the president of the board shall take and subscribe the usual oath administered to supervisors. The same compensation shall be allowed to said president as is now allowed by law to supervisors for such work.

If unable to agree, supervisor from adjoining town to be summoned.

Collector to make return of unpaid school taxes.

§ 2. Whenever any tax assessed upon any real estate in the Kingston school district appearing in the tax list delivered to the collector of said school district shall be unpaid at the time the collector is required by law to return his warrant, he shall deliver a statement of all such unpaid taxes to the said Kingston board of education, accompanied by an affidavit made before any officer authorized to administer oaths, that the taxes mentioned in such account remain unpaid, and that after diligent efforts he has been unable to collect the same, and if said board shall be satisfied with the truth of said affidavit, he shall be credited by the said board of education with the amount thereof.

Transcript to be delivered to county treasurer.

§ 3. Upon receiving any such account from the collector, the said Kingston board of education shall compare the same with the tax list, and if they find it to be a true transcript, they shall attach thereto a general description of the lots and pieces of land upon which such taxes were imposed or assessed, and deliver the same to the treasurer of the county of Ulster, with a certificate of the correctness thereof.

Taxes to be a lien on lands.

§ 4. From the time of the delivery of such certificate to the county treasurer, the said taxes shall be a lien and charge upon the lands upon which they were respectively assessed, superior and anterior to any other liens, claims and charges thereon, and the same proceedings in

all respects and with like effect shall be had for the collection of the taxes, interest and expenses by the sale of such lands by the county treasurer of Ulster county, as now are or hereafter may be provided by law in relation to county taxes.

Discharge of.

§ 5. Any person having or claiming any interest in the lands included in such account can at any time before the sale thereof discharge such taxes and stay all proceedings against the same or any particular parcel thereof, by payment of the amount of the tax charged thereon with ten per centum interest and accrued expenses, and after sale may redeem the same within the same time and upon the same terms as if sold for county taxes.

Payment by treasurer to board of education.

§ 6. The county treasurer of Ulster county shall account for and pay over to the Kingston board of education all moneys received by him for taxes and interest under the provisions of this act.

When act to take effect.

§ 7. This act shall take effect immediately, except so much thereof as relates to the compensation to be paid to the president of the board of education, in relation to which it shall take effect on the expiration of the term of the present incumbent.

CHAP. 343.

AN ACT to validate the certificate of incorporation, and to legalize the acts of the Walton Water Company.

PASSED May 20, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Incorporation legalized.

SECTION 1. The certificate of incorporation of the Walton Water Company, filed in the office of the secretary of State, on the twenty-ninth day of May, eighteen hundred and seventy-nine, and all the acts and proceedings of said company shall be as valid and effectual for all purposes, as if all the persons named in said certificate, as members of the corporation, had signed the application presented on the twenty-third day of August, eighteen hundred and seventy-eight, to the supervisor of the town of Walton, and the trustees of the village of Walton, and had met and organized said company.

§ 2. This act shall not affect any legal proceedings now pending.

§ 3. This act shall take effect immediately.

CHAP. 344.

AN ACT to establish a local court of civil jurisdiction in the city of Buffalo, to be called the municipal court of Buffalo, and to amend the charter of said city.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

"Municipal court

SECTION 1. A court of civil jurisdiction, to be called and known as the "municipal court of Buffalo," is hereby created and established

in and for the city of Buffalo, with the jurisdiction and powers hereinafter provided. Immediately upon the passage of this act, there shall be appointed by the mayor of the city of Buffalo, by and with the consent of the common council of said city, two judges of said court, whose duty shall be to organize and hold said court in said city as hereinafter provided. "Court of Buffalo" established. Two judges.

§ 2. Said judges shall enter upon their duties on the first day of July, eighteen hundred and eighty; one of them shall hold the office for the term of five years, and the other for the term of six years from the first day of January, eighteen hundred and eighty-one; the term of each judge shall be designated by the mayor at the time of making such appointment. The judges appointed or elected, as provided in this act, shall take the oath of office provided by law before entering upon their duties, and file the same with the clerk of the city of Buffalo. Term of office. Official oath.

§ 3. At the annual charter election to be held in said city next preceding the close of each of said terms, and thereafter as it shall become necessary, said office shall be filled by election, and the person so elected shall hold the office for the term of six years from the first day of January then next following such election. Whenever a vacancy shall occur in said office the same shall be filled by election at the next annual charter election held in said city, and the person so elected shall hold the office for the term of six years from the first day of January then next following such election. Provided, however, that such vacancy may be temporarily filled by the mayor by appointment, the appointee to hold the office until the first day of January, next following the first annual charter election held subsequent to such appointment. Election of judges. Vacancies. Proviso.

§ 4. No person shall be eligible to the office of judge of said court unless he shall be a resident elector of the city of Buffalo, and be a counselor of the supreme court of the State of New York. Qualifications of judges.

§ 5. It shall be the duty of each of said judges to hold a court in and for said city of Buffalo, to be called the municipal court of Buffalo. Each of said judges may hold a separate court at the same time. Said court shall be open for business each day (Sundays and legal holidays excepted) at nine o'clock in the forenoon, and continue open during seasonable hours for the transaction of business. Said court shall have and possess the same powers and jurisdiction as are now possessed and exercised by justices of the peace in the city of Buffalo, except as herein provided, in civil actions and proceedings, as follows: Courts. When to be open. Jurisdiction.

1. In all civil actions and proceedings cognizable by law in the justices' court of said city, and in the justices' courts of towns. In civil actions.

2. In actions arising on contracts for the recovery of money only, if the sum claimed does not exceed three hundred dollars; and also in actions for a breach of contract, where the damages claimed do not exceed three hundred dollars. On contracts.

3. In a matter of account, when the sum total of the accounts of both parties, proved to the satisfaction of the court, does not exceed six hundred dollars. On accounts.

4. In an action for damages for injury to rights pertaining to the person or to personal or real property, or for the conversion of personal property, if the damages claimed do not exceed three hundred dollars. For injuries to person and property.

5. In an action for a penalty not exceeding three hundred dollars. For penalties.

6. In an action upon a bond conditioned for the payment of money, On bonds.

not exceeding three hundred dollars, though the penalty exceed that sum, the judgment to be given for the sum actually due. Where payments are to be made by installments, an action may be brought for each installment as it becomes due.

On surety-bonds. 7. In an action upon a surety-bond taken by said court, when the penalty or amount claimed does not exceed three hundred dollars.

On judgments. 8. In an action upon a judgment rendered in a court of a justice of the peace, or in said municipal court of Buffalo, where such action is not prohibited by the provisions of the Code of Civil Procedure.

On confession. 9. To take and enter judgment on the confession of a defendant, when the amount confessed shall not exceed five hundred dollars, in the manner prescribed by article eight, title four, chapter two of part three of the Revised Statutes.

For fraud. 10. In an action for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed three hundred dollars.

By attachment. 11. In an action commenced by an attachment of property as now provided by statute, if the debt or damages claimed do not exceed three hundred dollars.

Possession of personal property. 12. In an action to recover the possession of personal property claimed, the value of which, as stated in the affidavit of the plaintiff, shall not exceed three hundred dollars; the same proceedings to be had as are provided by law to be had in justices' courts.

Summary proceedings. 13. In summary proceedings under the Revised Statutes to recover the possession of land, and to remove tenants and others, the process to be made returnable before said court by its proper title.

Enforcement of liens. 14. In actions or proceedings under the statute for the enforcement of the liens of mechanics and others where the amount of the lien does not exceed the sum of three hundred dollars, the same proceedings to be had as are provided by law to be had in justices' courts.

Return of process. § 6. Process shall be made returnable before said court by its proper title, and shall be signed by a judge, or by a clerk or deputy clerk of said court; either of said judges may hold said court, and may hear, try and determine any case or proceedings brought in said court when there is no demand made for a jury, or preside at a trial by jury. The

Process, pleadings, etc. process, pleadings, practice, trial by the court or by jury, fees, costs and disbursements, judgment by action or confession, and proceedings thereon, shall be the same as are now provided by law for justices' courts except as otherwise provided in this act. In cases where the defendant is required by law to give bail on application for an adjournment, the amount of the penalty of the bond shall be fixed by the

Appeals. court, but shall not in any case exceed three hundred dollars. Appeals may be had from judgments obtained in said court to the superior court of Buffalo, in the same cases, in the same manner, and with like effect as appeals are now had by law from judgments obtained in

When title to real property comes in question. justices' courts. This court shall not have cognizance of any action where the title to real property shall come in question; but where such question arises, the pleadings and practice shall be the same as are now provided by law for justices' courts in regard thereto. The clerk of said court, on the demand of a party in whose favor judgment shall have been rendered, shall give a transcript thereof, which may be filed and docketed in the office of the clerk of Erie county. The

Filing of transcripts of judgments. time of the receipt of the transcript by said clerk shall be noted thereon and entered in the docket, and from that time the judgment shall be a judgment of the county court. A certified transcript of such judgment may be filed and docketed in the clerk's office of any

other county, and with the like effect, in every respect, as in the county where the judgment was rendered, except that it shall be a lien only from the time of filing and docketing the transcript. But no such judgment for a less sum than twenty-five dollars, exclusive of costs, shall be a lien upon or enforced against real property. The pleadings in said municipal court shall be:

Lien on real estate.

Pleadings.

1. The complaint by the plaintiff; and
2. The answer by the defendant.

The pleadings may be oral or in writing; if oral, the substance thereof shall be entered in the docket of the court; if in writing, they shall be filed and a reference to them shall be made in the docket, but such pleadings need not be verified except as hereinafter provided. The complaint shall state, in a plain and direct manner, the facts constituting the cause of action. The answer may contain a denial of the complaint or of any part thereof, and also notice, in a plain and direct manner, of any facts constituting a defense or counter-claim.

Demurrer.

Either party may demur to the pleadings of his adversary, or of any part thereof, when it is not sufficiently explicit to enable him to understand it, or it contains no cause of action or defense, although it be taken as true. If the court deem the objection well founded, it shall order the pleading to be amended, and if the party refuse to amend, the defective pleadings shall be disregarded.

Defaults.

In case a defendant does not appear and answer, the plaintiff cannot recover (except as otherwise provided in sections seven and eight of this act), without proving his case. In an action or defense founded upon an account or an instrument for the payment of money only it shall be sufficient (except as otherwise provided in sections seven and eight of this act), for a party to deliver the account or instrument to the court, and to state that there is due to him thereon from the adverse party a specified sum, which he claims to recover or set off.

Variance.

A variance between the proof on the trial and the allegations in a pleading shall be disregarded as immaterial, unless the court shall be satisfied that the adverse party has been misled to his prejudice thereby.

Amendments.

The pleadings may be amended at any time before the trial, or during the trial, or upon appeal, when by such amendment substantial justice will be promoted. If the amendment be made after the joining of issue, and it be made to appear to the satisfaction of the court, by oath, that an adjournment is necessary to the adverse party in consequence of such an amendment, an adjournment shall be granted.

Conditions of.

The court may, also, in its discretion, require, as a condition of amendment, the payment of costs to the adverse party.

Executions.

Execution may be issued on a judgment heretofore or hereafter rendered by said municipal court at any time within five years after the rendition thereof, and shall be returned sixty days after the date of the same.

By and to whom to be issued.

If the judgment be docketed with the county clerk, the execution shall be issued by him to the sheriff of the county, and have the same effect, and be executed in the same manner as other executions and judgments of the county court.

Parties to exhibit accounts.

The court may, at the joining of issue, require either party, at the request of the other, at that or some other specified time, to exhibit his account on demand or state the nature thereof, as far forth as may be in his power, and in case of his default, preclude him from giving evidence of such parts thereof as shall not have been so exhibited or stated.

Offer of judgment.

The defendant may, on the return of process, and before answering, make an offer in writing to allow judgment to be taken against him for an amount to be stated in such offer, with costs. The plaintiff shall thereupon, and before any other proceed-

ings shall be had in the action, determine whether he will accept or reject such offer. If he accept the offer and give notice thereof in writing, the clerk shall file the offer and the acceptance thereof, and judgment shall be rendered accordingly. If notice of acceptance be not given, and if the plaintiff fail to obtain judgment for a greater amount, exclusive of costs, than has been specified in the offer, he shall not recover costs, but shall pay to the defendant his costs accruing subsequent to the offer. The forms of action, parties to actions, the rules of evidence, the times of commencing actions, and the service of process upon corporations, as established by the Code of Civil Procedure, shall govern the practice in this court.

Acceptance of.

Notice of.

Forms of actions, etc.

§ 7. In an action brought in this court, arising on contract for the recovery of money only, or upon account, the plaintiff, at the time of issuing the summons, may file with the clerk of said court a written complaint, setting forth, in a plain and concise manner, the facts or items of account constituting the cause of action, specifying the amount actually due from the defendant to the plaintiff, and for which the plaintiff will demand judgment. Such complaint shall be subscribed by the plaintiff or his attorney, and shall be verified in the manner and as prescribed by the Code of Civil Procedure. Said summons and complaint shall be served at the time by delivering to and leaving with the defendant personally a copy thereof, and may be served by any person of full age not a party to the action.

Complaint in writing may be filed at time summons is issued.

To be signed and verified.

Service of summons and complaints.

§ 8. In case the defendant appears and answers said complaint, such answers shall be in writing and subscribed by the defendant or his attorney, and shall be verified as above provided for the verification of the complaint; and shall contain, first, a general or specific denial of each material allegation of the complaint, controverted by the defendant, or of any knowledge or information thereof sufficient to form a belief; second, a plain statement of any new matter constituting a defense or counter-claim.

Proceedings on return of process.

§ 9. In case the defendant fails to answer the complaint as herein provided, he shall be deemed to have admitted the allegation of the complaint, and the court, upon the filing of the summons and complaint, with the proof of the due service thereof, shall forthwith enter judgment for the plaintiff for the amount demanded in the complaint, with costs and disbursements, without further proof. When the service of the said summons and complaint is made by any person other than a constable, proof of such service shall be made by affidavit, in which affidavit he shall state that such person is over twenty-one years of age, when and at what particular place and in what manner he served the same, and that he knew the person mentioned and described in the summons as defendant therein, and that he delivered to and left with such defendant a copy thereof. When the service is made by a constable, his certificate showing when and at what particular place, and in what manner he served the same, and that he knew the person mentioned and described in the summons as the defendant therein, and that he delivered to and left with such defendant a copy thereof, shall be sufficient proof of the service of such summons and complaint. Every pleading shall be subscribed by the party or his attorney; if by attorney, such attorney shall have been admitted to practice in the supreme court of this State.

In case of default.

Proof of service.

Certificate of service.

Pleadings must be subscribed.

§ 10. In all actions brought in this court there shall be allowed by way of indemnity to the prevailing party, and included in the judgment, in case he shall have appeared by an attorney, the following sums as costs.

Costs.

1. When the damages recovered amount to twenty-five dollars, but do not amount to one hundred dollars, the sum of three dollars. Rate of.

2. When the damages recovered amount to one hundred dollars, but do not amount to two hundred dollars, the sum of five dollars.

3. When the damages recovered amount to two hundred dollars, or more, the sum of seven dollars.

4 For the trial of an issue of fact, to the prevailing party, where the amount recovered exceeds the sum of twenty-five dollars, the sum of five dollars; and when a judgment of nonsuit or no cause of action is rendered on such trial, the defendant shall be entitled to have judgment entered against the plaintiff for the amount of the fees, costs and disbursements allowed the defendant by law, and also the additional costs provided for in this act. Id.

§ 11. Either of said judges may issue a criminal warrant, upon due complaint, for the arrest of any person charged with crime committed within the city of Buffalo, but such warrant must be signed by the judge hearing the complaint, and made returnable before the justice of the police court of said city. Said judges, or either of them, may command the services of any constable of said city to enforce the authority of said court and to maintain the peace. Each judge of said court, while sitting as such, shall have power to punish any contempt when committed in the immediate view and presence of said judge, in a summary manner; and in case a fine shall be imposed by any judge for a contempt, the same shall only be remitted by one of the judges of the superior court of Buffalo, after due notice to the judge imposing the fine. Criminal warrants to be returnable before police court. Power to punish for contempt.

§ 12. The said court shall have an official seal, to be furnished by the city of Buffalo, on which shall be engraved the words "Municipal Court of Buffalo" — "Seal." The clerk of said court shall have the custody of such seal, and any certificate by the said clerk under his hand and the seal of said court, of any fact or matter to which by this act he shall be entitled to certify, shall be received in evidence in all courts and places, and be of the same force and effect as if said court was a court of record. Said court shall have a clerk and one deputy clerk, to be appointed by the said judges, such appointment to be in writing and filed with the clerk of Erie county. Said clerk and deputy clerk shall take the usual oath of office, and file the same with the said county clerk, and shall hold the said office during the pleasure of said judges, and shall each give bail for the faithful performance of his duties, in such form, for such sum, and with such sureties as shall be approved by said judges, and file the same with the treasurer of said city. It shall be the duty of said clerk and deputy clerk to keep in the docket of said court a complete and accurate record of all process issued and returned to said court, of all the proceedings in any action or proceedings brought in said court, of all moneys paid into said court, or received by said clerk or said deputy clerk, and to keep the seal of said court and to affix it to the certificate of the transcript, of the docket of a judgment, or any other certificate when required so to do, and to file papers delivered to him for that purpose in any action or proceeding, and safely keep them, and to authenticate, by certificate or exemplification, as may be required, the records or proceedings of the court or any other paper appertaining thereto filed with him, and to enter in said docket the judgments and decisions of said court, and said docket shall be evidence in the courts of this State to the same extent as the docket of a justice of the peace. Said judges, clerk and deputy clerk shall have Official seal. Certificate of clerk under seal. Clerk and deputy. Oath and term of office of. Duties of. Power to

take acknowledgments, etc.

power to administer oaths and take ackowledgments the same as justices of the peace of towns.

Prepayment of fees.

§ 13. In all actions and proceedings brought in this court the clerk or deputy clerk shall demand and receive prepayment of all such fees for process, making out and filing bonds, undertakings, affidavits and other papers, as are allowed by law to justices in justices' courts, and said clerk or said deputy shall keep an accurate minute of the same in each case or proceeding upon the docket of said court at the time

On last day of month, fees to be paid to city treasurer, etc.

of receiving the same, and on the last day of each month, or within three days thereafter, shall deposit the amount thereof with the treasurer of said city, together with a detailed statement of the items thereof, which statement shall be verified by said clerk or deputy clerk to be true and correct, and to embrace all the moneys paid into said court, or received by said clerk, or by said deputy, during the period covered by said statement. The salary of such clerks shall not be paid until the said clerk or deputy clerk shall have so accounted and paid, and he shall perform no service for any party except the city of Buffalo, until he shall have received legal fees therefor as fixed by this act.

Salary of judges and clerks.

§ 14. Said judges shall each be paid in monthly payments an annual salary of two thousand dollars, and shall receive to their own use no fees or other compensation for services as judge of said court. Said clerk shall be paid in monthly payments an annual salary of one thousand dollars, and said deputy clerk shall be paid in monthly payments an annual salary of five hundred dollars, and shall receive no fees or other compensation for services as clerk or deputy clerk of said court.

Place of holding court, etc.

§ 15. The common council of said city, immediately on the passage of this act, shall designate the place for the holding of said court, and provide suitable rooms and furniture, and necessary blank books, blanks and stationery for the use of said court, and shall provide for the payment of the said salaries of the said judges and the said clerk and deputy clerk.

Power to open defaults, etc.

§ 16. Except as is herein otherwise provided the said municipal court shall have the power to open defaults and set aside judgments rendered and entered therein, and executions issued thereon, upon such terms as may be just, in a case where the defendant shall fail to appear on the return day of process or on any adjourned day, where it is shown that manifest injustice has been done and the defendant satisfactorily excuses his default; but no greater terms shall be imposed than the payment of the costs included in the judgment and the sum of three

Proceedings.

dollars for opposing the motion. The application therefor shall be founded upon affidavits, and shall be made within twenty days from the entry of such judgment. Upon presentation of such application the said municipal court shall issue an order returnable in not less than five, nor more than eight days, requiring the plaintiff to show

Copy order, etc., to be served.

cause, if any, why said judgment should not be set aside. A copy of said order and of the papers upon which the same is granted shall be served upon the plaintiff, or his attorney, if one shall have appeared in the action not less than three days prior to the return thereof.

Stay of proceedings.

Pending such application and the determination thereof the said municipal court may stay proceedings under any execution which shall have been issued. When a judgment shall be set aside the action shall proceed as though no judgment had been rendered. In such a case where an execution has been issued and a levy made thereunder, the same may in the discretion of the court be allowed to stand as a

security for the satisfaction of any judgment the plaintiff may finally recover. Where a transcript of a judgment of said municipal court shall have been filed in a case provided for in the sixth section of this act, the superior court of Buffalo shall have power and authority to open the default and set aside such judgment in the case above provided and all proceedings thereon and to order a new trial in said municipal court upon such terms as may be just. The practice in said superior court of Buffalo upon such application shall be the same as is herein provided for like proceedings in said municipal court, except as is herein otherwise provided. A judge of the superior court of Buffalo may, at chambers, issue the order to show cause returnable at a special term of said superior court of Buffalo, and such application may be heard and determined at said special term. Upon application to the superior court of Buffalo, the defendant must show that prior to the filing of such transcript no application was made to the municipal court for like relief. The superior court of Buffalo, or a judge thereof, may stay proceedings under any execution issued upon said judgment pending such application. The judgment and any execution and levy thereunder may be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover in case a new trial shall be ordered in said municipal court. The provisions of this section are in addition to the right of appeal now provided by law from judgments obtained in justices' courts in the city of Buffalo.

When transcript has been filed, superior court may open default. Practice.

Judgment, execution and levy, to stand.

§ 17. No successor shall either be elected or appointed to the two justices of the peace in said city whose terms of office shall expire first after the passage of this act, but as the terms of said justices shall respectively expire, the number of justices of the peace in said city shall be correspondingly reduced, so that the number of justices of the peace in said city shall be regularly but two in number, not including the justice of the peace of the twelfth ward. But the justices of the peace hereafter to be elected or appointed in said city, including the justice of the peace of the twelfth ward, shall have no civil jurisdiction whatever. Nothing in this act contained shall be construed as affecting the powers and the jurisdiction of the persons now holding the office of justice of the peace in said city, including the justice of the peace of the twelfth ward, during their respective terms. Hereafter, no person shall be elected to the office of justice of the peace in the thirteenth ward. All acts and parts of acts inconsistent with this act, and all provisions of the charter of the city of Buffalo, in relation to a justices' court in said city inconsistent with this act, are hereby repealed.

Justices of the peace, election and number of.

Not to have civil jurisdiction.

§ 18. This act shall take effect immediately.

CHAP. 345.

AN ACT to authorize the trustees of the village of Greene, Chenango county, to sell certain real estate owned and used by said village for the purposes of the fire department, and to purchase a new site and building for that purpose by and with the consent of a majority of the electors of such village.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees may sell real estate.

When authorized by vote may purchase new sites for fire department purposes.

Vote to be at annual election.

Proposition to borrow money.

SECTION 1. The trustees of the village of Greene, Chenango county, are hereby authorized and empowered to sell and convey the real estate now owned and used by said village for the purposes of the fire department, at its full market value, and to give and make the necessary deeds and conveyances therefor, and whenever authorized so to do by the electors of said village as hereinafter provided, to purchase a new site and building for such purposes, at a cost not to exceed the sum of one thousand dollars, and to levy and collect a tax to pay for the same, in the same manner as taxes for other village purposes are levied and collected; but no such purchase shall be made or any such tax levied and collected, except upon the consent of a majority of the electors of such village attending and voting therefor at a meeting or election in such village. Such vote may be taken at an annual election in said village, or at a special election called for the purpose by the trustees, but not until after two weeks' notice in the newspaper published in said village, shall have been given of the intention to vote upon the question of a purchase of such new site, which notice shall state the substance of the action proposed, and may also contain a proposition to borrow the said sum, one-half thereof for one year, and the other half thereof for two years, and for the levying and collection of such tax in two installments to pay said indebtedness when the same shall become due.

§ 2. This act shall take effect immediately.

CHAP. 346.

AN ACT to authorize the investment of moneys applicable to the redemption and payment of bonds of the town of Westport, Essex county, New York, on real estate security.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Treasurer to re-invest moneys by loan on bond and mortgage.

SECTION 1. The treasurer of the county of Essex is hereby authorized and directed to invest and reinvest, from time to time, all moneys now in, or that shall hereafter come to, his hands, available as a sinking fund or otherwise to the redemption and payment of bonds of the town of Westport, Essex county, issued in aid of the

New York and Canada railroad, by loaning the same, from time to time, on bond and mortgage, as in the next section hereof prescribed, in addition to the methods of investment now authorized by law.

Loans, how to be made.

§ 2. Such loans shall be made of such amounts as may from time to time be found practicable, payable at such time or times as may in the discretion of the said treasurer be determined, but all to mature on or before the maturing of the said bonds so issued by the said town of Westport, and shall be upon the bond of such person or persons, firm or firms, company or companies, as the said treasurer shall approve, conditioned for the payment thereof with lawful interest, the interest payable semi-annually, secured by a mortgage on real estate situated within the said county of Essex, which mortgage shall be the first lien upon such real estate.

Official searches, etc.

§ 3. Before loaning any of the said moneys, as in section two of this act prescribed, the treasurer of the said county of Essex shall receive, and file in his office the official search of the clerk of the county of Essex, showing that the proposed mortgagor has good title to the real estate proposed to be mortgaged as security for such loan and that no prior lien or incumbrance exists thereon, and also the affidavit of the proposed mortgagor and of at least one of the assessors of the town in which the said real estate shall be situated, to the effect that the actual cash value of the said real estate, exclusive of all erections thereon, is a sum which shall be at least double the amount of the sum to be loaned, and that the said real estate is in the possession of the said mortgagor.

Bonds and mortgages to be payable to treasurer.

§ 4. The bonds and mortgages so to be taken shall be payable to the treasurer of the county of Essex; and the said treasurer is hereby authorized to take legal proceedings for the foreclosure and collection of the same and the moneys secured thereby, from time to time, in case of default in the payment thereof. The moneys received or collected upon such bonds and mortgages are to be applied to the redemption and payment of the said bonds of the town of Westport, according to law.

§ 5. This act shall take effect immediately.

CHAP. 347.

AN ACT to provide for the reporting of appointments or commitments to the benevolent institutions of the State, excepting the county of Kings.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Asylums, etc., to be known for purposes of this act as State benevolent institutions.

SECTION 1. Each of the asylums, reformatories, homes, retreats, penitentiaries, jails, or other institution of this State, in which the board, instruction, care or clothing of persons committed thereto is, or shall be, a charge against any county of this State, or town therein, shall be known for the purposes of this act as one of the State benevolent institutions of the State.

Judges, and other officers, to make report of

§ 2. It shall be the duty of every judge, justice, superintendent of the poor, overseer of the poor, supervisor, or other person, who by law is authorized to make commitments or appointments to any of the State benevolent institutions of the State, to make a report in writing

commitments.

to the clerk of the board of supervisors of the county so liable, or of the county in which any town is so liable, for the board, instruction, care, or clothing mentioned in section one of this act; said report shall be made within ten days after making such commitment or appointment, and shall show, when known, the nationality, age, sex, and residence of each person so appointed or committed, and the length of time of such appointment or commitment.

Keepers to report to clerk of board of supervisors.

§ 3. It shall be the duty of the keeper, superintendent, warden, secretary, director, or other proper officer of each of the State benevolent institutions of the State, within ten days after receiving any person into any of the institutions mentioned in section one of this act, whose board, care, instruction, tuition, or clothing shall be chargeable to any town or county, to make a report in writing to the clerk of the board of supervisors of the county so liable, or of which any town is so liable. Such report shall show when such persons were received into said institution, and when known, the name, age, sex, nationality, residence, length of time of commitment or appointment, the name of the officer making such commitment or appointment, and the sum chargeable per week, month or year for such person.

What report to state.

To report deaths, etc.

§ 4. In case of the death, removal or discharge of any person committed or appointed to any of the institutions mentioned in this act, it shall be the duty of the officers mentioned in section three of this act, to immediately report to the clerk of the board of supervisors of the respective county the date of such death, removal or discharge.

Sworn statement of account to be presented annually to clerk of board of supervisors.

§ 5. It shall be the duty of the officers mentioned in section three of this act, annually, on or before the fifteenth day of September, to present to the clerk of the board of supervisors of the county, liable for the board, instruction, care, or clothing mentioned in this act, or of the county in which any town is so liable, a sworn statement of the account of such institution, with such county or town, up to the first day of October next succeeding, and in case of a claim for clothing, an itemized statement of the same, and in case any part of the board, care, tuition, or clothing has been paid by any person or persons, the account shall show what sum has been so paid; and accompanying such account shall be a report showing the name, age, sex, nationality, and residence of each person mentioned in the account, the name of the officer who made the commitment or appointment, the date and length of commitment or appointment, the time to which the account has been paid, and the amount claimed to the first day of October next succeeding, the sum per week or per annum charged, and if no part of such account has been paid by any person or persons, the report shall show such fact, duly verified.

What statement to contain.

Failure to make report to cause forfeiture of pay.

§ 6. Any officer mentioned in this act who shall refuse or neglect to make the reports required by this act shall not be entitled to receive any compensation or pay for any services, salary or otherwise, from any town or county to which he is required to make such report.

Reports to be filed and presented to board.

§ 7. The clerk of the board of supervisors who shall receive any report or account inpursuance of the provisions of this act shall carefully file the same and present the same to the respective boards of supervisors on the second day of the annual meeting of the board next succeeding the receipt of the same.

Not to apply to Kings county.

§ 8. The poor-houses in the several counties of this State are hereby exempted from the provisions of this act.

§ 9. Nothing in this act contained shall be held to apply to the county of Kings.

§ 10. This act shall take effect immediately.

CHAP. 348.

AN ACT concerning the grounds, buildings and property of the State provided for normal schools, the custody, protection and preservation of the same, and the powers of local boards in relation thereto.

PASSED May 20, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Local boards to have custody, etc., of grounds and buildings.

SECTION 1. The local boards of managers of the respective normal schools in this State shall have the custody, keeping and management of the grounds and buildings provided or used for the purposes of such schools, respectively, and other property of the State pertaining thereto, with power to protect, preserve and improve the same.

Willful trespass upon, a misdemeanor.

§ 2. Any willful trespass in or upon any of the buildings or grounds provided or used for the purposes of any of said normal schools or willful injury to any of said buildings or grounds, or any trees, fences, fixtures or other property thereon pertaining thereto, shall be a misdemeanor, punishable by fine and imprisonment, or either; and concurrently with the courts of record, justices of the peace, police justices and courts of special sessions, in the towns and cities where said schools are situated, shall have the same jurisdiction of said offenses as they have in other cases of misdemeanors within their jurisdiction.

Special policemen may be appointed.

§ 3. For the purpose of protecting and preserving such buildings, grounds and other property, and preventing injuries thereto, and preserving order, preventing disturbances, and preserving the peace in such buildings and upon such grounds, the local boards of managers of each of said normal schools shall have power, by resolution or otherwise, to appoint, from time to time, one or more special policemen, and the same to remove at pleasure, who shall be police officers, with the same powers as constables of the town or city where such school is located, whose duty it shall be to preserve order, and prevent disturbances and breaches of the peace in and about the buildings, and on and about the grounds used for said school, or pertaining thereto, and protect and preserve the same from injury, and to arrest any and all persons making any loud or unusual noise, causing any disturbance, committing any breach of the peace, or misdemeanor or any willful trespass upon such grounds, or in or upon said buildings, or any part thereof, and convey such person or persons so arrested, with a statement of the cause of the arrest, before a proper magistrate to be dealt with according to law.

Arrest of offenders.

§ 4. This act shall take effect immediately.

CHAP. 349.

AN ACT relating to leases of railroads and railroad property within this State.

PASSED May 21, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Leases of R. Rs., not exceeding ten miles in length, confirmed.

SECTION 1. Whenever any railroad, or railroad route, not exceeding ten miles in length, and its franchises within this State, has been heretofore leased by one railroad company or corporation to any other railroad company or corporation with the assent of a majority in amount of the stockholders of the company owning such leased railroad or railroad route and franchises, it shall be immaterial whether the assent of said stockholders has been obtained at a stockholders' meeting, or has been individually given in writing; and the leases of all such railroads within this State, which have received such assent of a majority in amount of the individual stockholders of the company or corporation owning the leased road, are hereby declared to be as legal and valid as they would have been had such assent been given at a stockholders' meeting regularly called for that purpose. And any railroad company now engaged in operating any railroad so leased may continue to use and operate the same during the term of the lease, upon complying with the terms, covenants and provisions of such lease; and to that end all such leases are hereby ratified and confirmed.

May continue to operate road.

§ 2. This act shall take effect immediately.

CHAP. 350.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of increasing the water supply to its inhabitants.

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Common council may raise $250,000 to increase water supply. To issue bonds.

SECTION 1. It shall be lawful for the common council of the city of Buffalo to raise an amount not to exceed two hundred and fifty thousand dollars, which shall be used exclusively for the purpose of increasing the present water supply. And for such purpose it shall be lawful for said common council, by a vote of two-thirds of its members, from time to time, to authorize the issue of the bonds of said city to an amount not to exceed said sum, in addition to the amount now authorized by law to be issued, bearing interest at the rate not to exceed five per centum per annum, to be paid semi-annually, principal and interest payable in the city of New York, at the Gallatin National Bank, or at the comptroller's office in the city of Buffalo. Said bonds to be due and payable in not less than twenty years nor more than fifty years from their date. Said bonds to be sold at not less than their par value and accrued interest.

When bonds to fall due.

§ 2. This act shall take effect immediately.

CHAP. 351.

AN ACT in relation to the county treasurers in the counties of Monroe and Seneca.

PASSED May 21, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the treasurers of the counties of Monroe and Seneca, annually to retain upon deposit in such banks or banking institutions as may have been designated by the boards of supervisors in said counties to receive deposits of public money, as provided in chapter six hundred and five of the laws of eighteen hundred and seventy-five, a sum equal to the amount of the State school tax assessed upon said counties, as annually certified by the State comptroller. County treasurers may retain sum equal to State school tax.

§ 2. The treasurers of said counties shall, immediately upon receiving notice of the apportionment of school moneys made by the school commissioners therein to the several school districts embraced in said counties, as directed by subdivision nine of section twenty-seven of title three of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, pay over by order upon said banks or banking institutions, to the supervisors of the several towns in their respective counties, and in the city of Rochester to the treasurer thereof, all of said moneys so retained on deposit, in just and equitable proportions. To pay amount over to supervisors.

§ 3. The comptroller, the State treasurer, and the superintendent of public instruction shall annually credit to the account of the counties of Monroe and Seneca a sum equal to the amount of school tax assessed upon them, the same as if said sums had actually been paid into the treasury. Comptroller and superintendent to annually credit amount.

CHAP. 352.

AN ACT to amend chapter two hundred and seventy of the laws of eighteen hundred and seventy-eight, entitled "An act reappropriating money for the payment of sums due to contractors for new work upon and extraordinary repairs of the canals."

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter two hundred and seventy of the laws of eighteen hundred and seventy-eight, entitled "An act reappropriating money for the payment of sums due to contractors for new work upon and extraordinary repairs of the canals," is hereby amended so as to read as follows: Sec. 2, ch. 270, Laws of 1878, amended.

§ 2. The unexpended sum of fifteen thousand dollars, appropriated out of any moneys in the treasury to the credit of the fund for extraordinary repairs, by the fourth section of chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-six, being the said sum of fifteen thousand dollars, or so much thereof as may remain Unexpended sum of $15,000, reappropriated.

Purposes.

unexpended on the fifteenth day of May, eighteen hundred and eighty, is hereby reappropriated for the original objects and purposes, to wit: For the construction of a retaining wall on the Erie canal on the north and east side of the bridge across the canal on James street, in the city of Rome, along the southerly line of Whitesboro street, the sum of three thousand dollars, or so much thereof as may be necessary; for the construction of an iron bridge, with double roadways and foot passages, over the Erie canal at James street, in the city of Rome, or for the enlargement and completion of the present bridge at said point, so as to make it a bridge as described; and for the removal of the present bridge at said point, if a new one shall be there constructed, and its reconstruction at some other point to be designated by the superintendent of public works, or if said bridge be not removed, for the erection of a new bridge at such designated point over the Erie canal, the sum of twelve thousand dollars, or so much thereof as may be necessary. Before the bridges mentioned above shall be constructed or any expenditures made thereon, the city of Rome shall fully indemnify the people of this State against any claim for damages that may arise in consequence of building the same.

City to indemnify people against claim for damage.

§ 2. This act shall take effect immediately.

CHAP. 353.

AN ACT in relation to runners or solicitors of passengers or patronage for steamers, steamboats, ships, vessels, hotels, railroads or transportation companies in the city of New York.

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Soliciting patronage for hotels, etc., on docks, etc., prohibited without license.

SECTION 1. No person shall hereafter upon any street, public highway, dock or pier, or in any park or square, in the city of New York, or upon any water adjacent thereto, over which said city has jurisdiction, solicit patronage for any hotel or inn, or passengers or patronage for any steamer, steamboat, ship, vessel or railroad, or for any person or corporation selling or offering for sale passage tickets, or contracting or offering to contract for passage in any such steamer, steamboat, ship, vessel or railroad, without a license for that purpose first duly obtained in accordance with the provisions of this act.

License to be granted by mayor. Fee.

§ 2. Such license may be issued by the mayor of the city of New York, and shall be for the period of one year from the date thereof, and every person receiving such a license shall pay the sum of twenty dollars therefor to the said mayor, and shall also give to the mayor of said city a bond with two good and sufficient sureties in the penalty of three hundred dollars, conditioned for his good behavior and the faithful observance by him of the provisions of this act. It shall be lawful for said mayor, upon an application made prior to the expiration of said license, to renew and continue the same from year to year, provided that the applicant therefor continue in all respects qualified, as hereinbefore provided, to hold such license, and said applicant shall, upon receiving such renewal, pay into the city treasury a further sum of twelve dollars and fifty cents per annum as a renewal fee.

Renewal of license.

§ 3. Licenses and renewals issued under the provisions of this act may be revoked at any time by the said mayor for any cause satisfactory to him, such cause to be stated in writing to the person so removed at the time of the notice of his removal. No person shall receive any license under the provisions of this act who is not a citizen of the United States, and a person of good general character; such fact to be proved to the satisfaction of the mayor. Revocation of licenses and renewals.

§ 4. Every person licensed under the provision of this act, whenever employed in soliciting passengers or patronage for steamers, steamboats, ships, vessels or railroads, or patronage for hotels or inns, shall wear conspicuously upon his coat a metal badge containing the number of his license, said badge to be of such form and to bear such further inscription as shall be prescribed by the mayor of the city of New York. No person not duly licensed as aforesaid shall wear any such badge, or any badge purporting to be that of a licensed runner or solicitor, under a penalty of twenty-five dollars for each offense. Licensed persons to wear badges.

§ 5. Any person who shall carry on the business or engage in the occupation set forth in the first section of this act, without such license, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not less than three months, nor exceeding one year, and any person who, being duly licensed, shall fail to comply with the provisions of the fourth section of this act shall be liable to a fine of not less than twenty-five dollars for each offense and shall also forfeit his license. Penalty.

§ 6. The mayor of the city of New York shall render to the comptroller of said city quarterly accounts of all moneys received by him under the provisions of this act, and the amounts so received shall be paid over by said mayor into the city treasury. Mayor to render quarterly accounts.

§ 7. This act shall take effect upon the first day of July, one thousand eight hundred and eighty-one.

CHAP. 354.

AN ACT to amend chapter two hundred and eighty of the laws of eighteen hundred and forty-seven, entitled "An act in relation to the judiciary."

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-five of chapter two hundred and eighty of the laws of eighteen hundred and forty-seven, entitled "An act in relation to the judiciary," is hereby amended so as to read as follows: Sec. 25, chap. 280, Laws of 1847, amended.

§ 25. Justices of the peace and judges, and justices of inferior courts, not of record, and their clerks, may be removed, as provided by the constitution, by the supreme court at any general term thereof, and such general term shall have power to order the proofs upon any proceedings hereunder to be taken before a referee to be appointed by such general term, and to certify the reasonable expenses of such referee, which amount, so certified, and also the reasonable expenses of any reference as heretofore or hereafter taxed by any general term of said court, under proceedings heretofore taken under the act hereby amended, and remaining unpaid, is hereby declared to be a charge Judges, etc., may be removed from office by general term of the supreme court. Expenses a

charge upon city, village or town. Security, when required of persons instituting proceedings.

against the city, town or village within which such justices of the peace, judge, or justice of inferior court, not of record, or clerk, exercises the duties of his office. Such general term may also in its discretion require the person or persons instituting proceedings for the removal of either of the officials above named to give security, to be approved by such general term, for the expenses incident to the hearing and determination thereof, in case the charges against such official are not sustained.

§ 2. This act shall take effect immediately.

CHAP. 355.

AN ACT relating to the Central New York Institution for Deaf Mutes, at Rome, New York.

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the superintendent of public instruction to continue at the Central New York Institution for Deaf Mutes, at Rome, New York, for a period not exceeding three years, for the purpose of pursuing a course of studies in the higher branches of learning, such pupils, not exceeding twelve in number, as may have completed their full term of instruction and who may be recommended by the trustees of said institution.

§ 2. This act shall take effect immediately.

CHAP. 356.

AN ACT to amend chapter one hundred and eighty-eight of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the New York State Convention of Universalists," and to organize a missionary board, and define its powers and duties.

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators. Name.

SECTION 1. Chapter one hundred and eighty-eight of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the New York State Convention of Universalists," passed April twelve, eighteen hundred and sixty-two, is hereby amended so as to read as follows: "E. G. Brooks, Ebenezer Fisher, Nathan Crary, F. M. Alvord, Benjamin Austin, E. W. Reynolds, I. M. Austin, T. J. Sawyer, C. C. Gordon, Ely T. Marsh, A. Kelsey, G. W. Montgomery, L. C. Brown, E. M. Whitney, J. M. Pullman, Wm. M. Delong, I. George and their associates and successors are hereby made a corporation by the name of the New York State Convention of Universalists, with all the powers and privileges, and subject to all the provisions and restrictions contained in the third title of the eighteenth chapter of the first part of

the Revised Statutes, and chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, and said corporation may hold real and personal estate to the value of two hundred thousand dollars, to be devoted exclusively to the diffusion of Christian knowledge by means of missionaries, publications and other agencies."

May receive title to and hold real property.

§ 2. The New York State Convention of Universalists is hereby authorized and empowered to receive the title to real and personal property by gift, grant, devise and bequest in trust for the uses and purposes hereinafter mentioned, and to convey the same.

Missionary board.

§ 3. From and after the passage of this act, and until the time of the annual meeting of the New York State Convention of Universalists, next ensuing after the passage of this act, the persons now constituting the missionary board of the said State convention, to wit, Reverend A. Almon Gunnison, Reverend Asa Saxe, Reverend Elmer Frederick Pember, Reverend Washington Wells Hooper, Reverend Albert Ulysses Hutchins and Linus Freeman are hereby appointed and designated the missionary board of said convention, with power to act till their successors are elected as is provided in this act.

Election of trustees.

§ 4. At the annual meeting of the New York State Convention of Universalists next ensuing after the passage of this act, six trustees shall be elected by said State convention, who shall constitute the said missionary board, and they shall be divided into three classes, each class consisting of two persons, and they shall be elected in classes as follows: one, two and three, the trustees of the first class shall hold office one year, the second class two years, the third class three years.

How to be elected, filling of vacancies, etc.

§ 5. The said trustees shall be elected in such manner as the said State convention shall prescribe, or has now provided for the election of officers, and any vacancy or vacancies shall be filled in the same manner, except such vacancies as shall occur during the recess of the State convention, in which case any vacancy or vacancies shall be filled in the way and manner as is now provided by the constitution and by-laws of the said State convention for filling vacancies, and hereafter said convention shall elect two trustees, as the terms of office of said trustees shall expire annually.

Treasurer, powers of, etc.

§ 6. The treasurer of the said convention of Universalists shall be ex-officio a member of the said missionary board and treasurer of the same, and shall receive all the moneys, and shall give an official bond, with sureties, for the faithful discharge of the duties of his office, and account to the said convention annually for all moneys received or disbursed by him, which bond shall be approved by the president of said State convention.

Societies may give corporation any real or personal estate.

§ 7. It shall be lawful for any of the societies in fellowship with the said State convention, to give or convey any real or personal estate that it shall own to the said convention, but before said gift or conveyance shall be authorized, a majority vote of the society shall be first obtained at a regular society meeting, to be held at the usual place, after public written or printed notice has been given; such notice to be signed by the society clerk, specifying the place of meeting and time, and three copies of said notice shall be posted in conspicuous places for ten days prior to the time of said meeting, in the vicinity where said society is situated. All of the property, real or personal, that shall be received in manner aforesaid shall be received and held in trust by the State convention, and be applied and used for missionary purposes only in the State of New York, under the direction and control of the said missionary board of the said convention.

To be held in trust.

Power to

§ 8. The said New York State convention shall have full power and

sell and convey real estate, etc.

authority, and such power and authority is hereby given, to sell and convey any real estate that may be acquired by this act, and it may reconvey the title to any real estate which may be acquired whenever the said missionary board may so direct, or may sell and convey the title to any real estate whenever it may be recommended by said missionary board, but all the moneys shall be received and held in trust for the missionary work of said convention, under the direction of said board, except if at any time during the next twenty years after such money or property has been received in manner aforesaid, the said real estate or money may be returned, and said property reconveyed to the same society, provided such society is duly organized as a Universalist society under the rules provided for the fellowship of societies under the said convention; and said conveyance shall be subject to such conditions as may be necessary in the judgment of the said State convention, in order to protect the denominational interests of the said State convention after the expiration of twenty years from the time any property, real or personal, has been acquired under this act by the said convention; said property may be sold and conveyed, and the proceeds used in the judgment of the said missionary board for any missionary work within the State of New York, but said money and property shall be always held in trust in perpetuity, and the money shall be invested, and the interest annually only shall be expended, unless a reconveyance of the real estate or repayment of the money shall be made back to the society from which said money or property may have previously been acquired.

Trustees of societies may convey to it real estate without application to court.

§ 9. The trustees, or a majority of them, in any of the societies of the Universalist denomination of the State of New York are hereby authorized to convey any real estate, or interest in real estate, in the usual manner, to the said State convention, for the uses and purposes of the missionary work of the said convention, without any previous application to any judge or court, and such conveyance, when made as aforesaid, shall be valid and effectual, and vest the legal title to any real estate in the said convention, for the uses, purposes and trusts mentioned in this act.

Trustees to meet and appoint chairman and secretary.

§ 10. At the next annual meeting of the New York State Convention of Universalists, after the passage of this act, and after the election of the said trustees in the manner herein mentioned by the said convention, the said trustees shall meet and organize, and shall choose one of their number chairman, and also one of their number secretary, who shall respectively hold their respective offices for one year, and elections of such officers shall thereafter be held annually. The secretary shall keep a proper record of all the proceedings of the board in a suitable book prepared for that purpose, and said board shall, in the manner herein provided, administer the funds and property which shall be received, in their best judgment and discretion, and said board shall make a full report annually of their proceedings to the said State convention.

Record to be kept.

Interest and accumulations to be expended in missionary work.

§ 11. The interest and accumulations of any property which may be received may be annually expended by said board in their missionary work, but any property received from any society shall be held in trust for the term of twenty years, unless the same shall sooner be returned or reconveyed to the said society to which it had previously belonged, but after the expiration of the period of twenty years the said property may be sold and conveyed by the said State convention in its discretion, and the avails of the same shall become the property of the said State convention to be kept in trust in perpetuity for mis-

sionary purposes, and the interest and accumulations only shall be expended by the said board, but any funds or property may be restored or reconveyed to any society, provided that such society is duly organized as a Universalist society, under the rules and regulations provided by the said State convention for the fellowship of societies under its jurisdiction. The said State convention shall also have power, at the time or times of any conveyance of real estate under this act, to make said conveyance subject to such conditions as may be necessary to protect the interests of the said Universalist denomination in the property so conveyed, and all moneys or property donated or received on account of the missionary fund shall be administered by the said missionary board.

§ 12. This act shall take effect immediately.

CHAP. 357.

AN ACT authorizing the board of trustees of the village of Danforth to issue bonds for the purpose of building a school-house in said village, pursuant to a vote of its citizens at a special election held April tenth, eighteen hundred and eighty.

PASSED May 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Power conferred upon board of trustees.

SECTION 1. The board of trustees of the village of Danforth, in the county of Onondaga, comprising the territory of union free school district number twenty-nine of the town of Onondaga, are hereby authorized and empowered, pursuant to a special election held in said village on the tenth day of April, eighteen hundred and eighty, at which the following resolutions were voted on and carried, to wit:

RESOLUTION NUMBER ONE.

Resolution.

Resolved, That the trustees of the village of Danforth, and their successors in office, be and they are hereby empowered to raise by assessment and tax upon the taxable property of the village of Danforth, the sum of four thousand dollars, for the purpose of erecting a school-house and necessary outbuildings upon the site recently purchased and now owned by said village, and located on Kennedy street, and that said sum be raised in not less than ten equal annual installments with interest, or in four equal installments of principal, after the first six years, with interest, as may be adjudged most expedient for the interest of the tax payers, by said trustees.

RESOLUTION NUMBER TWO.

Resolution.

Resolved, That the trustees of the village of Danforth be and they are hereby authorized and empowered to borrow the said sum of four thousand dollars, mentioned in "Resolution Number One" (and upon the terms in said resolution stated), at the lowest rate of interest possible, and issue to the lender the proper securities therefor, pursuant to the provisions of section eighteen of chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy-five, and section eight, title nine of the act relating to public instruction, which

To issue bonds to amount of $4,000.

resolutions are hereby ratified to issue bonds of said village to the amount of four thousand dollars, to be sealed with the seal of said village, and signed by the president of said board, and countersigned by the clerk thereof; one thousand dollars of said bonds to be payable on the first day of July, eighteen hundred and eighty-seven; one thousand dollars payable on the first day of July, eighteen hundred and eighty-eight; one thousand dollars payable on the first day of July, eighteen hundred and eighty-nine, and one thousand dollars payable on the first day of July, eighteen hundred and ninety, with interest not to exceed six per centum per annum, payable semi-annually on the first days of January and July. The bonds are to be of the denomination of one thousand dollars each, and the said board of trustees are authorized to receive sealed proposals for said bonds, and shall sell the same to the person or institution who will purchase them at par, at the lowest rate of interest. The proceeds of said bonds shall be paid over to the treasurer of said village, to be by him credited to the board of education of said village district, for the construction of a school-house therein.

Proceeds to be used to build school house.

Tax to pay bonds.

§ 2. The board of trustees of said village shall cause to be levied by tax on the taxable property of said village, and collected and paid annually such sums as may be necessary to pay the interest on said bonds, and pay such portion of the principal thereof, from time to time, as the same shall become due.

§ 3. This act shall take effect immediately.

CHAP. 358.

AN ACT to amend chapter two hundred and sixty-four of the laws of eighteen hundred and fifty-one, entitled "An act to amend the act entitled 'An act to incorporate the village of Bath, in the county of Steuben,'" and chapter eighty-one of the laws of eighteen hundred and fifty-two, and repealing chapter two hundred and forty-six of the laws of eighteen hundred and sixty-seven, and section two of chapter two hundred and ninety-one of the laws of eighteen hundred and sixty, and section two of chapter one hundred and two of the laws of eighteen hundred and seventy-five, and chapter three hundred and ninety of the laws of eighteen hundred and seventy-eight.

PASSED May 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, title 2, ch. 264, Laws of 1851, amended.

SECTION 1. Section one of title two of chapter two hundred and sixty-four of the laws of eighteen hundred and fifty-one, entitled "An act to amend the act entitled 'An act to incorporate the village of Bath, in the county of Steuben,'" is hereby amended so as to read as follows:

Village officers.

§ 1. The officers of the village shall be one president of the board of trustees, four trustees, one treasurer, one clerk, one collector of taxes and assessments, three assessors, one street commissioner, one police justice, one chief engineer and two assistant engineers of the fire department, one or more fire wardens, one poundmaster and sexton or keeper of the burial grounds belonging to the village, one sealer of

weights and measures, and such police constables and special police constables as are hereinafter provided to be appointed. The president of the board of trustees, four trustees, treasurer, clerk, police justice and assessors shall be elected by ballot by the electors of said village.

Sec. 4, title 2, amended.

§ 2. Section four of title two of said act, as amended by chapter eighty-one of the laws of eighteen hundred and fifty-two, entitled "An act to amend the act entitled 'An act to amend the act entitled 'An act to incorporate the village of Bath, in the county of Steuben, passed June twentieth, one thousand eight hundred and fifty-one,'" is hereby further amended so as to read as follows:

Annual election of elective officers.

§ 4. An election of the elective officers of the village shall be held annually on the first Tuesday of March, at such place in said village as shall be designated by the board of trustees, and ten days' notice shall be given of said election, by publishing the same in one or more papers in said village. The official terms of any and every officer of said village, which, but for the passage of this act, would hereafter expire on the first Tuesday of April in any year, shall expire on the first Tuesday of March in any such year.

Sec. 9, title 2, amended.

§ 3. Section nine of title two of said chapter two hundred and sixty-four of the laws of eighteen hundred and fifty-one is hereby amended so as to read as follows:

Clerk to notify officers of their election.

§ 9. The clerk of the village, immediately upon the filing with him of the certificate or certificates of election, shall notify, in writing, every person so certified to have been elected, of his election, and every person elected to office under this act, before entering upon the duties of the office to which he shall have been elected, shall take and subscribe the oath or affirmation of office prescribed by the constitution of this State, and file the same with the village clerk, except that the oath or affirmation of office so to be taken and subscribed by the police justice shall be taken and subscribed before the clerk of the county of Steuben, and shall be filed in his office. Every person so elected, except the treasurer and collector, who shall refuse or neglect to take and file the said oath or affirmation of office for ten days after personal notice in writing, of his election, from the clerk, shall forfeit the sum of ten dollars to the village, and be deemed to have declined his office.

Official oaths.

Forfeiture for not taking.

Sec. 14, title 2, amended.

§ 4. Section fourteen of title two of said act is hereby amended so as to read as follows:

Terms of office.

§ 14. All officers elected or appointed under this act, except the trustees, the assessors and the police justice, shall hold their respective offices until the annual election in each year next succeeding their election or appointment, unless sooner removed or disqualified, and until their successors shall qualify; but the board of trustees may, at pleasure, remove any officers appointed by them or by the president of the board of trustees. The police justice, if elected at the annual election of officers for said village, shall hold his office for the term of two years, and until his successor shall be elected and shall have qualified, and if said police justice is elected at a special election held for that purpose, then he shall hold his office until the first Tuesday of March next succeeding the next annual election of officers for said village, and until his successor shall be elected and shall have qualified. A police justice shall first be elected for said village at the annual election of officers for said village, to be held in said village on the first Tuesday of April, eighteen hundred and eighty, or at a special election to be held for that purpose thereafter, as the board of trustees of said village may order and direct.

Of police justice.

Election of.

Sec. 5, title 3, amended.

§ 5. Section five of title three of said act is hereby amended so as to read as follows:

Actions for penalties, etc.

§ 5. All actions or proceedings brought to recover for any violation of this act, or to recover and enforce any fine, penalty or forfeiture incurred under the act hereby amended, or under any act relating to the same subject-matter, or under the by-laws, ordinances or police regulations heretofore or hereafter made in pursuance thereof, shall be brought in the corporate name of the village, and may be brought in any court of record in this State having jurisdiction, or the same may be brought in the court of the police justice of said village, if the sum claimed does not exceed two hundred dollars, and such police justice shall have jurisdiction to hear, try and determine the same and render judgment therein; and in any such action or proceeding brought or commenced in such police justice's court, the first process may be by warrant, and it shall only be necessary in the affidavit or affidavits made and presented before the issue of said warrant by said police justice, or in the complaint in any of said actions or proceedings, to allege and state that the defendant is indebted in the sum claimed and referring to the section or sections of the act, or by the by-law, ordinance or police regulation, for a violation of which said action is brought, and to give the special matter in evidence, and on judgment being recovered in favor of said village in any such action or proceeding, execution shall be issued thereon by said police justice, as well against the person of the defendant or defendants as against his or their property, in the same manner as in actions for torts in any court of a justice of the peace of the town of Bath; and any such execution so issued upon any judgment so obtained shall direct that if the person or persons against whom the judgment has been recovered have no property whereon to levy the same, and out of which the same can be collected, the constable or police constable to whom said execution was issued shall take the body of the person against whom the execution was issued and convey said person to the common jail of Steuben county, where said person is to be kept in safe custody, for a term to be specified in said execution, not to exceed thirty days, unless said judgment and costs thereon shall be fully paid in the meantime. The keeper of said jail is hereby authorized and directed to take, receive and keep said person or persons in safe custody in said jail, as he shall by said execution be directed. All expenses on the part of the village incurred in any such actions or proceedings as aforesaid shall be defrayed by the village, except as is otherwise provided in the act hereby amended.

Jurisdiction of.

Process.

Pleadings.

Execution.

Against the person.

Expenses to be defrayed by village.

Title 4, amended.

§ 6. Title four of said act is hereby amended by adding at the end thereof a new section as follows:

Police justice, bond of.

§ 12. The police justice before entering upon the duties of his office shall execute a bond in writing to "the trustees of the village of Bath," in such sum and with two sureties, to be approved of by the board of trustees of said village, conditioned that he will faithfully execute and discharge each and every of the duties of his office, and that he will, on demand of the president of the board of trustees, duly account for and pay over to the officer, person or persons entitled to the same, all moneys received by him by virtue of his office, which said bond he shall file in the office of the clerk of Steuben county, before entering upon the duties of his office. Said police justice shall be subject to removal by the county court of Steuben county, on written charges after a trial on notice. He shall have the same jurisdiction and power in criminal actions, proceedings and matters within the said village, of which justices of the peace and courts of

Removal of.

Jurisdiction of.

special sessions now have, or shall have jurisdiction in the town of Bath, and in all such criminal actions, proceedings and matters said police justice shall receive the like compensation and fees, to be audited and paid in the same manner as justices of the peace of the town of Bath are now or hereafter shall be paid for like services. In all actions or proceedings brought to recover for any violation of this act, or to recover and enforce any fine, penalty or forfeiture incurred under this act, or under any by-law, ordinance or police regulation, heretofore or hereafter made and adopted by the board of trustees of said village, said police justice shall be entitled to the same fees and compensation, and to be collected in the same manner as justices of the peace of the town of Bath are now or hereafter shall be entitled to receive and collect from the party against whom he may render a judgment in a civil action on contract. In any action or proceeding had before said police justice, except criminal actions, matters and proceedings, no person or corporation shall be liable to pay as costs any fees and disbursements, except such as are now, or hereafter shall be, by law allowed in civil actions, in courts of justices of the peace of the town of Bath; and upon judgment and recovery in favor of said village, said police justice shall, within ten days after the same shall have been received by him, pay over to the treasurer of the village of Bath all fines, penalties or forfeitures which he shall have collected, deducting therefrom only the fees allowed by law to said police justice, or any other officer. In all criminal matters, or proceedings before said police justice, all fines imposed and collected shall be disposed of in the same manner as is now, or shall hereafter be provided by law, for the disposition of fines and penalties imposed or collected by justices of the peace of the town of Bath, in criminal actions, cases, matters or proceedings of a like nature. Said police justice shall also have power to take and certify affidavits and acknowledgments, subject to the same rules, and in all cases where he could were he a justice of the peace of said town of Bath. In case said police justice shall be unable to perform the duties, or any of them, of his office, on account of absence from the village, sickness, or any other cause that does not vacate his office, the board of trustees may designate and appoint any justice of the peace of the town of Bath to perform the duties of said office during such temporary absence or inability, and any such justice thus designated shall have all the powers of and be subject to all the laws, and the by-laws, rules and regulations concerning said police justice for the time he shall act.

Fees.

Costs.

Fines.

Power to take affidavits, etc.

In case of illness, etc., trustees may designate justice of peace.

§ 7. Section ten of title five of said act is hereby amended so as to read as follows:

Sec. 10, title 5, amended.

§ 10. The village of Bath shall constitute a separate highway district within its corporate limits, exempt from the superintendence of any one except the board of trustees of said village, who shall be commissioners of highways in and for said village and shall have all the powers of commissioners of highways of towns in the county of Steuben, subject to this act, and as such, they shall have power to discontinue, lay out, open, widen, alter, change the grade, or otherwise improve roads, avenues, streets, public parks or squares, lanes, crosswalks or sidewalks; and for that purpose may take and appropriate any land in said village; but no road, avenue, street, lane, public park or square shall be laid out, opened, widened, or altered, unless all claims for damage on account of such laying out, widening, opening or altering, shall be released without remuneration or compensation, except on the written petition of at least ten freeholders residing in said village,

Village a separate highway district.

Power of trustees to lay out streets, etc.

which petition shall specify the improvement or change to be made, describe the land to be taken therefor, state the owner or owners thereof, when known, and shall be filed in the office of the village clerk.

Proceedings. On the presentation of such petition, the trustees shall and must meet and examine the same, and, if they decide the improvement or change so asked for in said petition shall be made, they shall so decide by resolution to be entered in the minutes of said board of trustees, and they shall thereupon put or cause to be put up in five public places in said village, a correct description of the lands to be taken to make such improvement or change, together with a notice that the trustees, at a place, and on a day and at an hour therein specified, not less than five days from the date and posting thereof, will meet and hear any objections that may be made to the taking of such land, or making such change or improvement, a copy of which said notice and description must be served on the owner or owners of such lands at least five days before said meeting, and if said owner or owners are residents of said village, by delivering a copy thereof personally to the owner or owners of said land, or, if said owner or owners cannot be found, by leaving such copy at his or their places of residence, with some person or persons of suitable age and discretion. If said owner or owners of said lands are non-residents of said village, said notice and description must be deposited in the said village post-office, directed to said owner or owners at his or their last known place of residence, at least ten days before such meeting, and if any of said lands are owned by any corporation, and if any person or persons or corporation shall appear, by the records in the county clerk's office of Steuben county, to have a lien or incumbrance upon said lands, or any part thereof, by mortgage, judgment or otherwise, then said notice and description shall be served on any officer or agent of said corporation so owning any of said lands, and upon the person or persons so appearing to have any lien or incumbrance thereon, and upon any officer or agent of such corporation also appearing to have any lien or incumbrance thereon, at least ten days before such meeting, in the same manner above provided for serving said notice and description, in case where the owner or owners of any of said lands are non-residents of said village. Any person or corporation interested in said lands so asked to be taken may be heard and introduce testimony before the board of trustees as to the matter, on the days specified in the notice, or on such other days as the board may appoint. After such hearing the trustees may deny the petition or approve the same, and declare by resolution, to be entered in the minutes, their intention to make the said improvement or change, and proceed to obtain possession of the lands described in said petition in the manner provided by this act.

Notice of meeting to hear objections.

Service of.

In case of non-residents

In case of corporations and of persons having liens.

Parties to be heard.

Sec. 11, title 5, amended. § 8. Section eleven of title five of said act is hereby amended so as to read as follows :

Proceedings to determine amount of damages to owners in case of laying out of streets, etc. § 11. Whenever any road, avenue, street, square, park, lane or sidewalk is laid out, opened, widened or altered, the damages or compensation claimed by reason thereof may be determined by agreement between the board of trustees and the party or parties claiming such damages or compensation, but in case the damages are not so determined or released, the board of trustees shall, at a regular or special meeting thereof, cause a precept to be issued, to be signed by the president of the said board, directed to any police constable of the said village, or to any constable of the town of Bath, commanding and directing him to summon a jury of twelve freeholders, each of whom shall be a resident of said village, to meet at a time and place, in said

precept to be named, to determine and award said compensation and damages. The officer to whom said precept shall be given shall execute the same fairly and impartially. He shall summon the said jurors Id.
personally, and shall make a list of the persons summoned, which he shall certify and annex to said precept, and return the same to the president of the board of trustees. The board of trustees shall cause at least five days' notice, in writing, of the time and place of the meeting of said jury, to be given to the owner or owners of such lands so taken for the improvement or change in the last preceding section mentioned, and if said owner or owners are residents of said village, by delivering a copy thereof personally to the said owner or owners of said land; or, if said owner or owners cannot be found, by leaving such copy at his or their places of residence, with some person of suitable age and discretion; and if said owner or owners of said lands, or any part thereof, are non-residents of said village, said notice must be deposited in said village post-office, directed to said owner or owners at his or their last known place of residence, at least ten days before Id.
such meeting, and if any such lands are owned by any corporation, and if any person, persons or corporations shall appear by the records in the clerk's office of the county of Steuben to have a lien or incumbrance upon such lands, or any part thereof, by mortgage, judgment or otherwise, then said notice shall be served on any officer or agent of any such corporation, and upon the said person or persons last aforesaid, at least ten days before such meeting, in the same manner in the last preceding section provided for serving the notice and description therein described, in cases where the owner or owners of any said lands therein mentioned are non-residents of said village. At the time and place of the meeting of said jury as aforesaid, the village Id.
clerk shall, in the presence of the president of the board of trustees, deposit in a box the names of the persons so summoned and returned as jurors, and shall publicly, then and there, draw out by lot from said box the names of six persons, one after another, to serve as such jury Id.
to assess said damages or compensation, and if any of the persons so drawn shall be absent, said clerk shall continue so to draw, until the full number of six jurors are drawn, and the persons so drawn shall constitute the jury to assess said damages or compensation as aforesaid; provided, however, that the said board of trustees shall have the right to reject not to exceed three of the jurors so drawn, and the said party or party whose lands have been taken for said change or improvement, or who are interested in the said lands in any such manner as aforesaid, shall all jointly have the same right to reject not to exceed three of said jurors. If a full jury of six jurors shall not have been Id.
obtained as hereinbefore provided, the president of the board of trustees shall immediately, under his hand, issue another precept addressed to any constable of the town of Bath, or to any police constable of said village, directing him to summon forthwith, to appear at said place aforesaid, such additional persons as shall be necessary to complete the full number of six jurors as hereinbefore provided, to act as jurors, who shall possess the same qualifications of said jurors previously drawn, and be selected by said officer, and chosen to serve by said village clerk in the same manner as said other jurors are hereinbefore provided to be selected and chosen to serve. The jury shall be sworn Id.
by any person competent to take affidavits or acknowledgments, to faithfully and impartially execute their duty. They shall examine the premises, hear the proofs and allegations of the parties, and cause the substance of the testimony taken before them to be reduced to writing,

if any is taken; and they shall determine and award to the owner or owners of such lands so taken for such change, alteration or improvement, such damages or compensation as will be just. The determination and award of the jury shall be signed by them, and filed in the office of the village clerk, and forthwith be recorded by him in the book of records of said village. If no appeal is made within twenty days from the time of the recording of said award, the determination and award of said jury shall be final and conclusive on all parties. A copy of such award, certified by the village clerk, shall be evidence of the same in all courts and places, and in all actions and proceedings.

Award to be signed and filed.

Sec. 13, title 5, amended.

§ 9. Section twelve of title five of said act is hereby amended so as to read as follows:

President and trustees not to act when interested in land to be taken.

§ 12. The president of the board of trustees, when interested in any lands taken for such change, alteration or improvement, shall not act with the trustees when sitting as a board to determine the compensation or damages to be offered to any party or parties for the taking of any such lands for the purposes aforesaid, nor shall any trustee so act, when likewise so interested, and if the said president and a majority of said board of trustees shall be interested in any such lands, or any portion thereof, the remaining members of said board shall sit and act as and for said board in determining the damages or compensation so to be offered as aforesaid, and if the said president is interested in any portion of said lands, the remaining members of said board who are not interested in said lands, or any portion thereof, shall designate one of their number, who shall act in place of said president, for all purposes in any such proceeding, and do every act that the president of the board of trustees is required to do, in any proceeding for taking lands as aforesaid.

Quorum.

Sec. 13, title 5, amended.

§ 10. Section thirteen of title five of said act is hereby amended so as to read as follows:

Appeal from award and proceedings thereon.

§ 13. Any party interested therein, and the board of trustees of said village, may, within twenty days after the recording of the award of the jury, appeal from such award by petition to the county court of the county of Steuben, praying for the appointment of three commissioners residing in said county, to review said award of said jury. Serving a copy of such petition of appeal upon the village clerk, together with a notice of a time not more than thirty days after the recording of said award, and a place where the same will be presented to said court, shall operate as a stay of proceedings until the decision of the commission thereon, and the said county clerk* shall at all times be in session to do any act required of said court, in any proceeding to take any land under section ten of title five of this act, and all succeeding sections relating to the same subject-matter. If the said board of trustees appeal from said award, then the serving of a copy of their said petition of appeal on any party to whom the jury shall have made said award appealed from, or on the duly authorized attorney of any said party, shall operate as a stay of proceedings until the decision of the commissioners thereon. All parties appealing from the award of the jury for compensation or damages, as to one single or continuous change, alteration or improvement, shall join in one petition, and in case of appeal by any party or parties (except said board of trustees) if the award of said jury shall not be increased twenty dollars by said commissioners to each party appealing, then said party or parties so appealing shall pay all the costs and expenses of both parties to said appeal, including the costs and expenses of said board of trustees. In

Id.

Costs

* So in original.

cases of appeals by the said board of trustees from the award of damages or compensation, by the jury as aforesaid, the party or parties in whose favor the commissioners shall make an award more favorable than that of the jury, shall have the right to recover all costs and expenses incurred by said party or parties in and about said appeal from the opposite party or parties, and in cases where said board of trustees appeal from the award of damages or compensation by the jury as aforesaid, and said commissioners shall make the same award of damages or compensation as said jury shall have made, then said board of trustees shall be liable to pay all the costs and expenses of both parties to said appeal. The costs and expenses of such appeal shall include the fees of the commissioners, who shall be each entitled to receive three dollars per day, and the same fees to witnesses and other officers as are now or shall hereafter be allowed by law in cases of reassessment of damages by jury in cases of laying out highways under the general highway laws of this State, and shall be taxed and allowed by the county judge of Steuben county. At the time mentioned in the notice accompanying said petition of appeal, and when the commissioners are appointed, any party may be heard in the matter. The county court shall, on hearing the parties, appoint three disinterested electors and freeholders as commissioners residing in said county, but not in the village of Bath, to review the award of said jury, and to determine and award the compensation or damages to be given for the taking of any lands for any such change, improvement or alteration. Immediate notice shall be given by any of the parties interested to the persons designated as commissioners, and if any one declines or is disqualified, the said county court shall appoint some disinterested person, an elector and freeholder residing in said county, but not in the village of Bath, to fill the vacancy, which said order of appointment shall be filed with the village clerk. Said commissioners shall meet at said village within ten days after being notified of their appointment; they shall give the president of the board of trustees five days' notice, in writing, of the time and place of their meeting, which said notice shall at once be entered in the record book of said village by said clerk; they shall be sworn to do their duty by any officer competent to take affidavits and acknowledgments; they shall have power to compel the attendance of witnesses by subpœnas to be issued by them; they shall examine the premises and hear the proofs and allegations of the parties, and they shall award such damages and compensation to the party or parties whose lands shall have been so taken, as aforesaid, as shall be just. The award of said commissioners shall be signed by them, and be returned to said president within ten days after the final meeting of said commissioners, and shall be filed with the village clerk, and by him recorded in the book of records of said village. Said award shall be final and conclusive on all the parties interested, and the said board of trustees may thereupon take possession of said land and make the said change, alteration or improvement. On declaring and signing their said award, the commissioners shall each be paid by the treasurer of said village three dollars per day for their services, and the amount so paid, together with the other costs and expenses of said appeal on the part of said board of trustees, as hereinbefore provided, shall, in the cases in which said board of trustees are hereinbefore entitled to recover and receive the same from the opposite party, be at once collected by said board of trustees by suit, if not otherwise paid. In all cases of appeal under this section the court to which said appeal is made shall, by

Amount of.

Hearing in county court.

Appointment of commissioners.

Meeting of.

Notice of.

Proceedings before.

Award of.

Compensation.

Guardians for infants, etc.

order, appoint guardians for the purposes of said proceeding for all infants, lunatics, idiots or habitual drunkards interested therein. If the county judge of Steuben county is interested in any of the lands so taken for any such change, alteration or improvement, from the award of damages or compensation for the taking of which an appeal shall be taken to the county court of said county, then the said appeal shall be heard by the supreme court, and either party may bring the same on for a hearing at any special term, in the seventh judicial district, on notice of eight days being given the opposite party.

Sec. 14, title 5, amended.

§ 11. Section fourteen of title five of said act is hereby amended so as to read as follows:

Damages to be paid by tax.

§ 14. Whenever a final award is made for damages or compensation, sustained by reason of making any such change, alteration or improvement, to pay said damages or compensation, the said board of trustees are authorized to raise the amount of such compensation or damages, with interest thereon, as hereinafter provided, forthwith, by tax to be assessed upon all the estates, real and personal, in said village, and for that purpose the assessors of said village shall make and complete an assessment roll as above provided, and file the same in the village clerk's office within thirty days after being notified by the board of trustees so to do, and upon the filing of said roll, the village clerk shall forthwith make out the amount of tax payable by each person or persons or corporations therein named, and complete said roll and annex thereto the proper collector's warrant, and present the same to the board of trustees at their next regular or special meeting thereafter. Upon signing said warrant the said board of trustees shall deliver said roll to the village collector, who shall forthwith proceed to collect the amount of said taxes in the same time and manner as other taxes are by the said act hereby amended or the by-laws or ordinances of said village provided to be paid and collected. If they so prefer, said board of trustees may borrow from any party the amount of said compensation or damages and interest thereon as hereinafter provided, and pay the same to the party or parties entitled to the same, and they may add the amount so borrowed to the next annual tax levy for village purposes, in addition to the amount now or hereafter allowed by law to be levied and collected in said village, without a vote of the electors or tax-payers thereof. The said board of trustees shall, within one year from the time of such final award, pay or tender the amount of such compensation or damages, with interest thereon from the date of said award to the time of such payment or tender, to the party or parties to whom the same shall have been awarded, and in case the said party or parties shall refuse the same, or be unknown, or non-residents of said village, or an idiot, lunatic, infant or habitual drunkard, or the rights and interests of the party or parties claiming the same shall be doubtful, it shall in such case be lawful for the board of trustees to pay the amount of such compensation or damages, with interest as aforesaid, to the county treasurer of Steuben county, for the benefit of such party or parties as may be entitled to the same, accompanied by a statement of the facts under which such payment was made, and said board of trustees shall cause the clerk of said village to make an entry in the book of the village records of the money so deposited, stating the amount with the name of the party or parties by the awards declared to be entitled to the same. On the proper party or parties being ascertained, the president of the board of trustees is authorized to draw an order on said county treasurer, countersigned by the clerk of the village, and payable to the order of the party or parties entitled

Tax, how to be assessed and levied.

Collection of.

Payment of damages.

to such money, for the amount so due said party or parties respectively.

§ 12. Said title five of said act is hereby further amended by adding thereto, at the end thereof, a new section, as follows: Title 5, amended.

§ 16. The board of trustees of said village shall have the power to cause such of the streets, lanes, alleys, highways and public squares in said village, or any part or parts thereof, as shall have heretofore been laid out, but not recorded or sufficiently described, and such as shall have been used for twenty years, but not recorded, to be ascertained, described and entered on record, in a book to be kept by the clerk of said village. Streets, etc., to be ascertained and entered of record.

§ 13. Section one of title six of said act is hereby amended so as to read as follows: Sec. 1, title 6, amended.

§ 1. The president of the board of trustees may appoint such persons as police constables of said village as he may deem proper and necessary, and the board of trustees may at any time discharge them, and said president shall ex-officio be chief of the police of said village; and all police constables and special police constables shall be subject to and obey all his orders and directions. Said police constables shall possess the same powers, rights and privileges within said village, and be subject to the same duties and liabilities as appertain and belong to the constables in the town of Bath, and they shall receive in all matters, proceedings and actions, both civil and criminal, the same compensation and fees as constables of the town of Bath, to be audited and paid in the same manner as said constables of the town of Bath are now or shall hereafter be paid for like services, and they shall also perform all such services as the act hereby amended, or the by-laws, ordinances and regulations heretofore or hereafter made in pursuance thereof, shall provide; and also all such further services as the board of trustees may require; and they shall severally, before they enter upon the duties of their office, execute and file with the village clerk a bond to the village in its corporate name, in such sum and with such sureties as the said board of trustees shall approve, conditioned that he or they will faithfully execute and discharge each and every of the duties of their said office. The said president, in case of any emergency, shall have the power to appoint such additional police constables as the public interests shall demand, who shall be paid by the village and shall hold their offices during the pleasure of the board of trustees, unless sooner discharged by the said president, and they shall possess all the powers, rights and privileges with reference to making arrests for any violation of law, or of the act hereby amended, or the by-laws, ordinances or regulations heretofore or hereafter made in pursuance thereof, and shall be subject to the same duties and liabilities as the police constables hereinbefore in this section provided to be appointed, except as is herein provided, and they shall or shall not give the same bonds as said police constables, for the faithful discharge of their duties, as the said president may order and direct. The said president shall also have power, on the application of any resident of said village, to appoint at any time when he may consider the same necessary, so many special constables as he may deem necessary, all of whom shall hold their offices during the pleasure of the board of trustees, unless sooner removed by the president, and they shall have no salary or compensation from the village treasury, but the expenses of the same shall be paid by the party for whose immediate benefit the appointment shall have been made. The corporation, "the trustees of the village of Bath," shall in no event be liable

Police constables.

Power and duties of

Fees.

Bond.

Additional police constables.

Special constables without salary or compensation.

Village not liable for acts of.

for any act or wrong done by said special police constables, or either of them, and said special police constables shall possess the same powers and privileges with reference to the preservation of peace and good order in said village, and be subject to the same duties and liabilities as are said police constables when performing similar services, except as hereinbefore otherwise provided.

Sec. 6, title 6, amended.

§ 14. Section six of title six of said act is hereby amended so as to read as follows:

Fire limits.

§ 6. The board of trustees shall have power, by by-law or ordinance, to establish fire limits within said village and to change the same from time to time as they may deem necessary, and within said fire limits no wooden building of any kind, or any wooden addition to any building shall be built, erected or placed, and until otherwise changed as aforesaid, the present fire limits within said village, as now established, shall be and remain the said fire limits of said village. Plans and specifications with reference to security against fire, for all buildings or additions to all buildings to be erected, built or placed within said fire limits, shall be submitted to said board of trustees and shall be subject to their approval, and no building, or any addition to any building, shall be erected, built or placed within said fire limits until the plans and specifications for the same, with reference to security against fire, are first approved of by said board of trustees. Whoever shall violate the provisions of this section, or either of them, shall be liable to a penalty of fifty dollars and also liable to the further penalty of thirty dollars for every twenty-four hours said building, or any such addition to any building, remains within or upon said fire limits. Said board of trustees shall have power, in addition to the other remedies they may have by law, in the corporate name of said village, to bring and maintain an action to restrain the erecting, building or placing of any wooden or other unsafe building, or addition to a building, within said fire limits, and they may also, in the corporate name of said village, bring or maintain an action to compel the removal of any such building or addition to a building from said fire limits, that shall hereafter be built, erected or placed within said fire limits. The trustees of said village shall be ex-officio the fire wardens of said village, and shall have power to appoint such other fire wardens as they may deem necessary.

Plans of buildings to be erected.

Penalty for violation of this section.

Fire wardens.

Acts repealed.

§ 15. Chapter two hundred and forty-six of the laws of eighteen hundred and sixty-seven; section two of chapter two hundred and ninety-one of the laws of eighteen hundred and sixty; section two of chapter one hundred and two of the laws of eighteen hundred and seventy-five; chapter three hundred and ninety of the laws of eighteen hundred and seventy-eight, and all other acts or parts of acts inconsistent with this act are hereby repealed.

§ 16. Nothing herein contained shall affect the rights of any party to any suit or legal proceeding commenced prior to the passage of this act.

§ 17. This act shall take effect immediately.

CHAP. 359.

AN ACT authorizing the superintendent of public works to maintain that portion of the Genesee river feeder lying within the limits of the city of Rochester in such condition that it shall not be detrimental to the public health.

PASSED May 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of public works of this State is hereby authorized to make such constructions and prescribe such regulations as may be necessary to maintain throughout the season of navigation a constant current of water through the Genesee river feeder at Rochester, while it shall remain the property of the State of New York, of such volume as shall prevent the water in said feeder from becoming stagnant and impure, and deleterious to the public health.

Constant current of water through Genesee river feeder to be maintained.

§ 2. The said superintendent is hereby authorized to expend for said purpose a sum not exceeding three thousand dollars, to be paid out of any moneys now appropriated or hereinafter appropriated for the repairs or maintenance of the canals.

Expense limited.

§ 3. This act shall take effect immediately.

CHAP. 360.

AN ACT to provide for the proper drainage of lands in the city of New York.

PASSED May 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever, in the opinion of the board of health of the health department of the city of New York, the protection of the public health requires the drainage of any lands in said city, by means other than sewers, such board of health may adopt a resolution describing the location of such lands, and directing the proper drainage thereof, and the construction of drains therefor, by the commissioner or commissioners of the department of said city having jurisdiction to construct sewers in that part of said city where such drainage is so required. Such board of health shall thereupon cause a map to be made, whereon shall be shown the location of such proposed drains, and the lands required for the construction thereof. Such resolution shall be entered at length in the records of such board of health, and such map shall be filed in such health department. A copy thereof shall be filed in the office of the register of the city and county of New York. Such board of health shall cause another copy of said map, together with a copy of such resolutions, to be delivered to the commissioner or commissioners of the department in said city who shall, by such resolution, be required to construct such drains.

When public health requires, board of health may direct drainage of land.

Map to be made.

Commissioners to take proceedings to acquire right of way.

§ 2. It shall be the duty of such commissioner or commissioners, upon the receipt of such map and resolution, through the counsel to the corporation of said city, to take immediate and proper proceedings for the acquirement of a right of way over, under or through the lands shown upon said map to be necessary for such drains, and it shall be the duty of such counsel to the corporation immediately to take such proceedings, and conduct them to a speedy determination.

How acquired.

§ 3. The right of way over, under or through the lands so required for such drains shall be taken and acquired in the manner required by law for acquiring title to lands in said city to be used as public streets.

Proviso as to time of publication of notice.

Provided, however, that the time or times provided in such law for the giving or publication of any notice shall, for the purposes of this act, be reduced one-half, and the time for the sitting of the commissioners of estimate and assessment to hear objections to their report is, for the purposes of this act, hereby made two days in the place of ten days.

Maps and plans.

Any maps, plans or surveys that may be required for the use of the commissions of estimate and assessment, to be appointed in such proceeding, shall be furnished by the department charged with the construction of the drains, and shall be prepared and made by surveyors in the regular and stated employment of such department; neither the expense of such surveys nor any other expenses, other than the fees of the commissioners of estimate and assessment attending the proceeding, shall be included in the assessment that may be made by such commissioners of estimate and assessment. The counsel to the corporation shall not be entitled to any compensation for services to be rendered by him in such proceeding, other than his stated salary.

Compensation to officers.

The commissioners of estimate and assessment shall not be allowed any compensation for office rent, clerk or carriage-hire. They shall each be entitled to receive the following rates as compensation for their services in full. Where the drain to be constructed is five hundred feet or under in length, the sum of twenty-five dollars. Where the drain exceeds five hundred feet in length, twenty-five dollars, and in addition thereto, five cents per foot for each running foot of drain in excess of five hundred feet, but the compensation of each commissioner shall in no case exceed one hundred and fifty dollars.

Bonds to be issued to pay owners for right of way.

§ 4. Upon the confirmation by the court of the report of the commissioners of estimate and assessment in such proceedings, it shall be the duty of the board of estimate and apportionment of the city of New York immediately to authorize and direct the comptroller of said city to issue bonds in behalf of the mayor, aldermen and commonalty of the city of New York, to the amount necessary to pay the damages awarded to owners of lands for the right of way required for such drains, and to pay for the preparation of plans and surveys provided for as aforesaid, and for the fees of the commissioners of estimate and assessment, and from the proceeds of said bonds the said comptroller shall pay the damages so awarded, in the same manner as in the case of street openings, and the fees of the commissioners of estimate and assessment, and shall also pay the expenses incurred for such plans and surveys as above provided.

Commissioners to adopt plans.

§ 5. Upon the confirmation of the report of the commissioners of estimate and assessment by the court, the commissioner or commissioners of the department in said city having the charge of the construction of such drains as herein proposed shall have the power and they are hereby directed to make and adopt proper and suitable plans for such drains and to construct them.

Cost and expense,

The necessary cost of such drains, together with necessary expenses of levying the assessment therefor,

shall be levied, assessed and collected in the same manner as is authorized by law for the construction of sewers in said city. how to be levied.

§ 6. Chapter five hundred and sixty-six of the laws of eighteen hundred and seventy-one and chapter five hundred and forty-nine of the laws of eighteen hundred and seventy-five are hereby repealed, but such repeal shall not affect any action or proceeding now pending or cause of action existing by reason of any thing done under the laws so repealed. Chap. 566, Laws of 1871, repealed.

§ 7. This act shall take effect immediately.

CHAP. 361.

AN ACT to amend chapter two hundred and ninety-three of the laws of eighteen hundred and seventy-six, entitled "An act empowering the village of Wellsville to raise, by tax, a fund for the building of sidewalks."

PASSED May 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter two hundred and ninety-three of the laws of eighteen hundred and seventy-six, entitled "An act empowering the village of Wellsville to raise, by tax, a fund for the building of sidewalks," is hereby amended by adding thereto the two following sections: Chap. 293, Laws of 1876, amended.

§ 2. Any owner of lands contiguous to a public street in the village of Wellsville may notify the board of trustees of said village, in writing, that he desires to lay a stone sidewalk in front of such lands under the provisions of this act. Upon receiving such notice, the said board may, by resolution, prescribe the width, grade, material and manner of building of such sidewalk, and the time within which the same shall be completed. They may also provide, by resolution in each case, that a portion of the expense of such sidewalk, to be by them determined, but in no case to exceed one-half, shall be paid by the village of Wellsville. Owner may give notice of intention to lay stone sidewalk, etc.

§ 3. Upon completing such sidewalk in the manner and time prescribed, such persons shall be repaid the portion of the expense assumed by said village, as follows: Each year for five successive years thereafter such person shall be credited on the highway tax assessed on any lands in said village, against him or her, the one-fifth part of the sum so assumed by said village, and he or she shall receive a certificate signed by the president and clerk of the village, stating that he or she is entitled to such credit. Such certificate shall be assignable, and the assignee shall be entitled to like credit upon any highway tax assessed against him or her. But said village shall not be liable to pay any sum for laying stone sidewalks, except in the manner herein provided. Portion of expense to be repaid, etc.

§ 2. This act shall take effect immediately.

CHAP. 362.

AN ACT to provide for the formation of county co-operative insurance companies.

PASSED May 22, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. It shall be lawful for any number of persons not less than twenty-five, residing in one or more adjoining counties in this State, who collectively own property of not less than fifty thousand dollars in value, which they desire to have insured, to form themselves into an incorporated company for the purpose of co-operative insurance against loss or damage by fire or lightning, by making, signing and acknowledging before some officer by law authorized to take

Certificate.

acknowledgments of conveyances of real estate a certificate of their intention to form such corporation, stating the county or the counties in which such company intend to do business, its corporate name, which shall embrace the county in which the business office of said company is located. Every person insured in said company shall sign an application for insurance as required by the articles of association and by-laws of the company, and thereby become a member thereof.

Directors

§ 2. Every company formed under the provisions of this act shall choose of their members not less than one director for every town within the territorial limits of said company, whose duty it shall be to manage the business of the said company, who shall hold their office one year, or until others are elected and qualified, and said directors

Officers.

shall choose from their number a president, a secretary, and such other officers as their by-laws shall prescribe; all officers to be elected by ballot. The business and corporate powers of the companies incorporated under this act shall be transacted and exercised by said board

By-laws.

of directors, subject to the by-laws of the company. The by-laws shall prescribe the number of directors necessary to constitute a quorum for the transaction of business, and may provide for an executive committee for such purposes as may be necessary, and may require officers to give such bonds as the interest of the company may require.

Statement to be prepared by board of directors.

§ 3. It shall be the duty of the first directors of any company organized under this act, before doing any business of insurance, to prepare a statement showing the name of the company, the names of the persons comprising the proposed company, with the amount of proposed insurance to each, the name of the company, a copy of the articles and by-laws of the company, and the names of the county or counties comprising the territorial limits within which it is proposed to do business, the names of the directors and officers, with their post-office address, the place where the principal office for the transaction of business shall be located, and the mode and manner in which the business of said company is to be conducted and file a copy thereof, signed by said officers and directors, in the office of the clerk of each county comprised within the territorial limits of said company and in the office of the secretary of State.

Books may be opened to receive propositions for insurance.

§ 4. The persons so associating, after having filed the statement as required by section three, may open books to receive propositions, and enter into agreements in a manner authorized by this act. But no company organized under this act shall do any business or issue any

policies until bona fide agreements have been entered into covering property to be insured to the amount of not less than one hundred thousand dollars for each county embraced within the territorial limits of said company, and within which it is proposed to do business.

Record to be kept by secretary.

§ 5. The directors of every company formed under this act shall procure proper books, in which the secretary shall keep a perfect record of all the transactions of the company, and of the board of directors, and shall show at all times, fully and truly, the condition, affairs and business of said company, and shall be kept open for the inspection of every member of said company, every day from nine o'clock to eleven o'clock in the forenoon, Sundays and legal holidays excepted.

Policies of insurance.

§ 6. The directors of any company formed under this act may issue policies of insurance, signed by the president and secretary, agreeing in the name of said company, to pay all damages, not exceeding the amount insured, done to dwelling-houses, barns and their contents, and other buildings not more hazardous, and buildings in incorporated cities or villages detached at such distance as the by-laws of the company may prescribe, and their contents, and live stock owned on the premises, caused by fire or lightning, during the time mentioned in the policy of the insured; said company shall not issue policies for less than one year or more than five years; and they shall not insure more than seven thousand dollars in any one risk. The company may issue more than one policy to one person, firm or corporation having separate or detached buildings, that this act or the by-laws of said company do not prohibit the said company from insuring. Every policy issued shall have attached thereto a printed copy of the by-laws and regulations of the company.

Insured to give his or her pro rata share of loss.

§ 7. Every person, firm, corporation or trustee, so insured, shall give his, her or their undertaking, binding him, her, it or them, their heirs or assigns, to pay their pro rata share to the company of all losses or damages caused by fire or lightning, which may be sustained by any member or members thereof. He, she, it or they shall also pay such percentage in lawful money and such reasonable sum for policies and expenses, and within such time as may be required by the by-laws of said company.

Immediate notice of loss to be given.

§ 8. Every person, firm or corporation holding a policy, not expired or vitiated, who has sustained a loss or damage by fire or lightning, shall immediately notify the president or secretary of his, her, it or their loss or damage, and it shall be the duty of the officers of the company to at once proceed to ascertain and adjust such loss or damage in the manner provided by the charter and by-laws of said company and the provisions of this act.

Classification of risks.

§ 9. The companies formed under the provisions of this act may classify the property or buildings insured therein, at the time of insuring, and issuing policies under different rates, according to the risk from fire which may be attached to buildings insured.

Pro rata assessment.

Whenever the amount of any loss or damage is ascertained which exceeds in amount the cash on hand of the company, such officer as shall be determined in the by-laws of the company shall convene the directors or executive committee, who shall make an assessment upon all the property insured, pro rata, sufficient to pay what the cash in hand falls short of paying, or for the whole loss or damage, as the directors or executive committee may decide best for the interest of the company.

Ten days' notice of assessment to be given.

§ 10. It shall be the duty of the secretary, within ten days, to notify every person who belongs to the company, by written or printed notice, signed by the secretary, that an assessment has been made, and the

amount due from him to them as their share of the loss or damage as determined by said directors or executive committee, and the time when and to whom such amount must be paid; but no such time shall be less than thirty or more than sixty days from the date of such notice; the cost and expense of collection to be regulated by the by-laws of the company; such notice may be served personally or by mail; and if by mail, it shall be deposited in the post-office at the place where its principal office is located, directed to each person assessed at his, her or their place of residence or business, and the postage prepaid.

Suits to recover assessment.

§ 11. Suits at law may be brought against any member or members of any company organized under the provisions of this act, by the president, in the name of the company, in any of the courts of this State having competent jurisdiction, to recover all assessments that any member neglects or refuses to pay when made upon him or them under the provisions of this act or the by-laws of the company; and in case the president is obliged to bring suit to collect any assessment as aforesaid, he shall be permitted to recover the amount so assessed, with fifty per centum of such assessment to be added thereto, in addition to lawful interest, as a penalty for such neglect and refusal to pay within the time required. Any member or members of said company who neglects or refuses to pay his or their part of any assessment, or for any other reason satisfactory to the directors or executive committee, may be excluded, by a majority of the directors of the company, from the company, and when thus excluded the secretary shall cancel or withdraw his or their policy or policies, which shall prevent him or them recovering for any loss or damage after such exclusion by the directors; but nothing therein contained shall prevent the collection of such assessment and the penalty aforesaid, in any suit at law which may have been made prior to such exclusion. It shall be the duty of the officers of any company formed under this act, to proceed to collect all assessments within thirty days after the expiration of the notice to pay the same, and any neglect or refusal on their part to endeavor to collect as aforesaid, or to perform any of the duties imposed by this act, shall render them liable in their individual capacity for the amount lost to the person or persons who lose by their refusal or neglect, and suit at law may be maintained by such party against such officers to collect such amount.

Fifty per centum to be added.

Members refusing to pay may be excluded and policies canceled.

Assessments to be collected within thirty days after expiration of notice.

Not to insure property out of limits of territory comprised in articles of association.

§ 12. No company organized pursuant to the provisions of this act shall insure any building or property out of the limits of the territory comprised in the articles of association adopted in the formation of the company, except when a person or member of the company, who has a farm extended beyond the line of the said limits on which he resides, has buildings on that part beyond, in which case such buildings and their contents may be insured, together with his other buildings; nor shall any company insure any property other than dwelling-houses, barns and their contents, other buildings not more hazardous, buildings in incorporated villages or cities detached such distance from any other building, as the by-laws of the company may prescribe from any other building, and their contents, and live stock owned upon such property.

Directors to be chosen by ballot.

§ 13. The directors of any company organized under the provisions of this act shall be chosen by ballot at the annual meeting of the company, which shall be held on the second Tuesday of January in each year, unless some other day be designated by the by-laws of any such company. At such meeting every person, firm or corporation

insured shall have one vote, and shall be entitled to vote by proxy at such elections, under such rules and regulations as may be prescribed by the by-laws, unless prohibited by the by-laws of the company.

Statement to be made by president and secretary.

§ 14. It shall be the duty of the president and secretary of each and every company formed under the provisions of this act to make a statement under oath, showing the condition of such company on the thirty-first day of December preceding the election of officers, which shall contain the amount and kind of property insured, the number of policies issued each year from the time of the organization of such company up to the time of making such statement, and the names of the persons to whom issued during the year last past, and the amount of such policy; the names of persons withdrawn or excluded from the company, with the amount of insurance of each; the whole amount of moneys received by such company during the year, together with an itemized account of the same, including salaries of officers, all fees, commissions, and all sums paid for any purpose, and all other matters of interest to the company or members thereof, which statement or certified copy thereof shall be filed in the clerk's office of each county comprised within the territorial limits of such company and with the secretary of State.

Withdrawal of members.

§ 15. Any member of such company may withdraw therefrom at any time, by a ten days' notice in writing to the secretary, and paying his share of all claims existing against the company and surrendering his policy or policies. Members may be admitted who reside or own property within the territorial limits of the company, upon the same terms and conditions as the original members, subject to the by-laws of the company organized by virtue of this act. Non-residents who own property that may be insured in any such company may become members, and enjoy all the rights and privileges of such company, and shall be accountable the same as other members, but shall not be eligible to hold office in said company.

What insurance may be made.

§ 16. No company formed under this act shall insure against losses or damage otherwise than by fire or lightning, nor issue life insurance policies, or policies on any other risk not mentioned in this act, or transact any other business than as provided by this act.

By-laws, etc.

§ 17. Any company formed under this act may make and enforce such by-laws for its regulation as two-thirds of all the directors of such company may adopt, and any amendments of such by-laws may be adopted by being presented to the president at least three months previous to any regular meeting of such directors; but said proposed amendments shall be voted for at a regular meeting only, and two-thirds of the votes of all the directors shall be required to adopt them. No by-laws shall be of any effect which are inconsistent with this act or the laws of the State. The by-laws may provide for compensation of the officers of the company, and the number and kind, and the security proper to be given by any officer, and may designate the amount of money that may be kept on hand, the manner of disbursing the same, and make provision for books for records of the transactions of the company.

Companies already doing business may organize under this act.

§ 18 Any company already doing a business of insurance upon the principles prescribed by this act may become organized and possess all the powers and be subject to the restrictions and regulations required by this act, upon filing a statement of their condition at the time, containing the requirements of section three, in the offices required by said section. The said companies shall thereafter be subject to the provisions of this act, and the policies theretofore issued

by them shall be as valid and the rights and powers of the officers and members of said companies shall be the same in all respects as if they had been originally organized under this act.

To do business in not to exceed two counties.

§ 19. Nothing herein contained shall authorize any company formed under the provisions of this act to transact business in not to exceed two counties which shall be designated in the certificate required by section one, except as hereinbefore specially authorized.

§ 20. This act shall take effect immediately.

CHAP. 363.

AN ACT to amend chapter four hundred and sixty-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the support and relief of the poor and for the government of the poor department in the county of Erie," passed April nineteenth, eighteen hundred and sixty-seven.

PASSED May 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, ch. 461, Laws of 1867, amended.

SECTION 1. Section two of the act entitled "An act for the support and relief of the poor, and for the government of the poor department in the county of Erie," passed April nineteenth, eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

Keeper to be elected.

§ 2. There shall be elected at the general election in the county of Erie, in the year eighteen hundred and eighty-two, and in each third year thereafter, at the general election, a keeper of the poor-house of said county, to be chosen in the same manner as other county officers of said county, and whose term of office shall be three years and shall commence on the first day of January, eighteen hundred and eighty-three. The term of office of the present keeper of the poor-house shall cease and determine on the first day of January, eighteen hundred and eighty-three. The keeper of the poor-house of said county shall take and file his oath of office in like manner as other county officers, before entering upon the performance of the duties of such office. His salary shall be fixed by the board of supervisors of said county before his election and shall not be increased or diminished during his term of office, and the same shall be a county charge. In case of any vacancy occurring in said office by death, resignation or otherwise, the county judge of said county shall fill the vacancy until the next general election, when the vacancy shall be filled by the people. The said keeper shall have power and it shall be his duty —

Official term.

Oath.

Salary

Vacancy.

Rules, etc.

1. To establish and ordain prudential rules, regulations and by-laws for the government and good order of the poor-house, the county farm and property connected therewith in said county, and for the employment, relief, management and government of the persons therein placed; said rules, regulations and by-laws shall be approved and sanctioned by the superintendent in writing, and a copy thereof, with such approval, shall be filed with the clerk of the board of supervisors.

Inventory, etc.

2. The said keeper shall in each and every year, at the first day of the annual session of the board of supervisors, furnish to and file with the said board a full, true, and correct inventory of all the goods, furniture, farming utensils, stock and property of every name, kind and na-

ture belonging to the said county or in its use, on or connected with the poor-house, or the poor-house farm, which said inventory shall specify each article and its estimated value, as near as may be, and shall be verified by his oath, and a duplicate thereof shall be kept by him at the poor-house in a book of invoices, and shall be open for inspection to any taxable inhabitant of said county at all reasonable hours.

Purchase of supplies.

3. To purchase the furniture, implements, materials and supplies that shall be necessary, from time to time, for the maintenance of the poor therein, and to employ such help to carry on the business of the poor-house as shall be necessary in addition to the labor of the paupers.

Amounts due.

4. To certify the amount due to any person for bringing paupers to the poor-house, which amount shall be paid by the county treasurer on the production of such certificate, countersigned and allowed by the superintendent of the poor.

Payment of expenses.

5. To draw on the county treasurer, from time to time, for all necessary expenses incurred by him in the discharge of his duties, to be paid by the treasurer out of any money in his hands for the support of the poor.

Books, etc.

6. To keep a book or books, in which shall be entered a correct and full statement of all purchases, contracts, sales and expenditures made by him as such keeper, which book or books shall be open for the inspection of any taxable inhabitant of the county, at all reasonable hours, and which book or books and the vouchers for such expenditures shall be exhibited by him to the board of supervisors at each annual meeting of the board, and at any special meeting thereof when he shall be called upon by resolution so to do.

Accounts to be rendered to board of supervisors.

7. And the said keeper shall, at each annual meeting of the board of supervisors and whenever called upon so to do, render to the said board a full, just and correct account in writing and in detail, of all expenditure made by him and of his doings as such keeper; the amount and value of the products of the labor of the paupers, and of the produce of the farm, and the name of every person to whom any draft on the county treasurer shall have been given by him, the amount of the same, together with a statement of what the allowance was made for and the price or sum allowed for the service or article for which such allowance was made; which statement shall be verified by the oath of the said keeper, and shall be filed with the clerk of the board of supervisors.

Detailed statement of debts.

8. He shall also furnish to the board of supervisors, on or before the third week of the annual session of said board, in each year, a detailed statement of all outstanding indebtedness or liability against said poor-house, belonging to his department, and a failure to furnish such statement or the willful omission of any liability or indebtedness from such statement shall be deemed a misdemeanor, and on conviction shall be punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 364.

AN ACT to authorize the payment of certain awards for damages caused by a change of grade on Prospect avenue, in the city of Brooklyn.

PASSED May 24, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Financial officers to pay damages.

SECTION 1. The financial officers of the city of Brooklyn are hereby authorized to pay the damages caused by a change in the grade of Prospect avenue, between Third and Fifth avenues, in the said city, as may be ascertained by a commission appointed by authority of the common council of said city, to assess the same, upon a resolution directing such payment by said common council, and approved by the mayor, but not to exceed in the aggregate the sum of three thousand dollars, and the amount required for such payment shall be inserted in the next annual tax budget.

Sum limited.

§ 2. This act shall take effect immediately.

CHAP. 365.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED May 24, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sub. 9, sec. 1, chap. 482, Laws of 1875, amended.

SECTION 1. Subdivision nine of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," is hereby amended so as to read as follows:

To authorize the laying out, etc., of streets, etc., adjoining city of 100,000 inhabitants and for assessment therefor.

9. To authorize in any county containing an incorporated city of one hundred thousand inhabitants or upward, when any territory adjoining such city has been mapped out in pursuance of law, into streets and avenues conforming to and forming an extension of the system of streets and avenues of such city, the laying out, closing and change of line of any such street or avenue, the establishing of a grade for the same, the opening, grading and construction of such streets or avenues, and to provide for the estimation and award of damages sustained, and for the assessment on property intended to be benefited thereby, and fixing assessment district therefor, the levying, collection and payment of the amount of such damages, and of all other charges and expenses to be incurred or which may be necessary in carrying out the provisions of this subdivision; but such last-named powers in regard to laying out, opening, grading, construction and change of line

Power only to be exercised

of such streets or avenues, or such provisions for defraying the expense thereof, shall only be exercised on the petition of the property owners who own more than one-half of the frontage on any such street or avenue; provided that no such street or avenue shall be laid out, opened or constructed upon or across any lands heretofore acquired by the right of eminent domain, and held in fee for depot purposes by any railroad corporation, without the consent of such corporation. on petition of more than half of property owners.

§ 2. The town of Flatbush, Kings county, and the city and county of New York are hereby excepted from the operation of this act. Flatbush and New York excepted.

§ 3. This act shall take effect immediately.

CHAP. 366.

AN ACT to secure uniform ballots and preserve the purity of elections.

PASSED May 24, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At all elections hereafter held within the limits of this State for the purpose of enabling electors to choose by ballot any officer or officers under the laws of this State, or of the United States, or to pass upon any amendment, law or public act or proposition submitted to the electors to vote by ballot under any law, each and all ballots used at any such election shall be upon plain white printing paper, and without any impression, device, mark or other peculiarity whatsoever upon or about them to distinguish one ballot from another in appearance, except the names of the several candidates, and they shall be printed with plain black ink. Description of ballot.

§ 2. Every ballot shall have a caption (as provided by law), but such caption shall be printed in one straight line in black ink, with plain type of the size now generally known and designated as "Great Primer Roman Condensed Capitals," and the names of all candidates shall be printed in plain type, with letters of a uniform size. Caption.

§ 3. It shall be unlawful for any person to print or distribute, or to cast any ballot printed or partly printed contrary to the provisions of this act, or to mark the ballot of any voter, or to deliver to any voter such marked ballot for the purpose of ascertaining how he shall vote at any election. Unlawful to print or distribute other ballots.

§ 4. Any person or persons who shall knowingly or willfully violate, or attempt to violate, any of the provisions of this act shall be guilty of a misdemeanor, and be punished by imprisonment in a county jail or penitentiary for not exceeding one year, or by a fine of not exceeding two hundred and fifty dollars, or by both such fine and imprisonment. Penalty for violation of this act.

§ 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, provided that nothing in this act contained shall be construed to prohibit any elector from voting any ballot entirely written or from voting any printed ballot, which in outward appearance complies with all the requirements of this act upon the face of which he has personally made or caused to be made erasure, correction or insertion of any name by pencil mark or otherwise. Inconsistent acts repealed.

§ 6. This act shall take effect immediately.

CHAP. 367.

AN ACT for the better laying out and improving of that portion of the city of New York, between Tenth avenue and Avenue St. Nicholas and One Hundred and Thirty-eighth street continued, and the lands of the Academy of the Sacred Heart and One Hundred and Thirty-fifth street continued.

PASSED May 24, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioner to lay out street. Route.

SECTION 1. The commissioner of public works is hereby directed, immediately upon the passage of this act, to lay out and establish a street of a width of not less than sixty feet, running from the Tenth avenue to the Avenue Saint Nicholas, with such widenings and turnings, course and direction as to him may seem expedient, in that section of the said city bounded northerly by a continuation to the Avenue Saint Nicholas of the northerly line of One Hundred and Thirty-eighth street, westerly by the Tenth avenue, easterly by the Avenue Saint Nicholas, and southerly by the northerly and north-easterly lines of the lands of the Female Academy of the Sacred Heart and the southerly line of One Hundred and Thirty-fifth street continued and extended until it meets the said north-easterly line of the said lands of the said female academy, and to fix and establish the grade thereof. The said commissioner shall make a map or plan showing said street and the location thereof, and another map or plan showing the grade of said street, and shall file said map in his office, and a copy thereof certified by him in the office of the comptroller of said city. Upon the filing of said maps the lands shown and described as a street thereon shall forthwith be deemed to be and be appropriated for public purposes as a street, of the grade specified on said map, and such grade shall not be thereafter changed except with the written consent of a majority of the owners of land in lineal feet fronting on said street. The commissioner of public works is hereby directed immediately upon the filing of said maps to take proceedings in the name and on behalf of the mayor, aldermen and commonalty of said city to acquire title for the use of the public to the land designated and required for said street, and the proceedings to acquire title to such land shall be had pursuant to such acts as shall then be in force relative to the opening of streets, roads and public squares, and places in the said city; which said acts, so far as the same are not inconsistent with the provisions of this act, are hereby made applicable to said street in the same manner and to the same extent as if said street had been originally laid down and designated as and for a public street by the commissioners appointed in and by chapter one hundred and fifteen of the laws of eighteen hundred and seven, entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes." Upon title to such lands being acquired the commissioner of public works shall forthwith proceed to open such new street or road, and render and make it fit for use and travel by regulating, grading, paving or macadamizing it, or in any other way or by any other process or means which may seem to him best for the convenience of the public, and in his discretion curb, gutter, flag and light the same and the sidewalks thereof, and at

Map or plan.

Lands appropriated.

Proceedings to acquire title.

Upon title being acquired, commissioner to open street, etc.

the earliest practicable time throw the same open for public use, and no ordinance of the common council or other authority than such as is conferred by this act shall be necessary to authorize him to proceed forthwith with such work, the expense whereof shall be assessed as provided by law for laying assessments for local improvements in the city of New York upon the lands, tenements and hereditaments benefited thereby, and all laws in force for the collection of assessments in said city shall apply to the assessments imposed for such work.

§ 2. This act shall take effect immediately.

CHAP. 368.

AN ACT to amend chapter seventy-seven of the laws of eighteen hundred and forty-six, entitled "An act to provide for the erection and establishment of a work-house in the county of Erie."

PASSED May 24, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter seventy-seven of the laws of eighteen hundred and forty-six, entitled "An act to provide for the erection and establishment of a work-house in the county of Erie," is hereby amended so as to read as follows:

Sec. 4, ch. 77, Laws of 1846, amended.

§ 4. There shall be elected at the general election in the county of Erie in eighteen hundred and eighty, and in each third year thereafter at the general election, a keeper of said work-house of said county, to be chosen in the same manner as other county officers of said county and whose term of office shall be three years, and shall commence on the first day of January, eighteen hundred and eighty-one. The term of office of the present keeper of said work-house shall cease and determine on the thirty-first day of December, eighteen hundred and eighty. The keeper of said work-house shall take and file his oath of office in like manner as other county officers before entering upon the performance of the duties of such office. His salary shall be fixed by the board of supervisors of said county before his election, and shall not be increased or diminished during his term of office, and the same shall be a county charge. In case of any vacancy occurring in said office by death, resignation or otherwise, the county judge of said county shall fill the vacancy until the next general election, when the vacancy shall be filled by the people. The said keeper shall have power and it shall be his duty to appoint and employ such assistants as are necessary, whose salaries shall be fixed by the said board of supervisors; to purchase materials and supplies that shall be necessary, from time to time, for the support and maintenance of the persons confined therein; to draw on the county treasurer, from time to time, for all necessary expenses incurred by him in the discharge of his duties, to be paid by the treasurer out of any moneys in his hands appropriated for that purpose; to keep a book or books, in which shall be entered a correct and full statement of all purchases, contracts, sales and expenditures made by him as such keeper, which book or books shall be open for the inspection of any taxable inhabitant of the county at all reasonable hours, and which book or books and the vouchers for such expenditures shall be exhibited by him to the board of supervisors at

Keeper of work-house to be elected.

Official term.

Oath.

Salary.

Vacancy.

Assistants.

Drafts for expenses.

Accounts.

To be exhibited to board of supervisors.

each annual meeting of the board and at any special meeting thereof, when he shall be called upon by resolution so to do. And the said keeper shall, at each annual meeting of the board of supervisors, and whenever called upon so to do, render to the said board a full, just and correct account in writing, and in detail, of all expenditures made by him, and of his doings as such keeper; the name of every person to whom any draft on the county treasurer shall have been given by him, the amount of the same, together with a statement of what the allowance was made for, and the price or sum allowed for the service or article for which such allowance was made, which statement shall be verified by the oath of the said keeper, and shall be filed with the clerk of the board of supervisors. The said keeper shall, in each and every year, on the first day of the annual session of the board of supervisors, furnish to and file with the said board a full, true and correct inventory of all the goods, furniture and property of every name, kind and nature belonging to the said county or in its use, on or connected with the said work-house, which said inventory shall specify each article and its estimated value, as near as may be, and shall be verified by his oath, and a duplicate thereof shall be kept by him at the said work-house in a book of invoice, and shall be opened for inspection to any taxable inhabitant of said county at all reasonable hours. The said keeper shall also furnish to the board of supervisors on or before the third week of the annual session of said board in each year a detailed statement of all outstanding indebtedness or liability against said work-house, belonging to his department, and a failure to furnish such statement shall be deemed a misdemeanor, and on conviction shall be punishable by fine not exceeding two hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment. The board of supervisors of said county shall have power and it shall be their duty to make, establish and adopt, from time to time, such rules and regulations for the management of said work-house, and the support, employment and discipline of the persons therein confined as they shall deem necessary. Said board may also, from time to time, appoint such work-house commissioners as shall seem to them expedient and shall prescribe their compensation. Said commissioners shall have such supervisory power over said work-house as shall be conferred upon them by the board of supervisors, or is conferred upon them by existing laws.

Detailed statement of expenditures to be submitted.

Inventory.

Statement of indebtedness.

Penalty for failure to furnish same.

Rules, etc.

Work-house commissioners.

CHAP. 369.

AN ACT to amend section two hundred and thirty-six of the Code of Civil Procedure.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 236 of Code, amended.

SECTION 1. Section two hundred and thirty-six of the Code of Civil Procedure is hereby amended so as to read as follows:

Governor may designate judge of superior

§ 236. The governor may, when, in his opinion, the public interest so requires, designate one or more judges of the superior court of the city of New York, or of the court of common pleas for the city and county of New York, to hold terms of the circuit court and special

terms of the supreme court, in that city. The designation must be in writing, and must specify each term, and the judge designated to hold the same. A case or exceptions, in a cause tried at such a term, must be settled before the judge who held the same; and a judge thus designated may, after the expiration of the period of such designation, decide, finally determine and dispose of any action, proceeding or motion that may have been tried or heard before him; and such judge, during the period of such designation, possesses, within the city of New York, all the powers of a justice of the supreme court, in or out of court, to make orders in any action or special proceeding in the supreme court.

court or common pleas to hold circuits.

Case and exceptions to be settled before judge who tried the action.

§ 2. This act shall take effect immediately.

CHAP. 370.

AN ACT to prevent trespassing and intrusion upon railroad cars and engines.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No minor or other person, not a passenger, shall climb, jump, step, stand upon, cling to, or in any way attach himself to, any locomotive, engine or car, upon any part of the track of any railroad in this State, unless in so doing such person shall be acting in compliance with law, or by permission under the lawful rules and regulations of the corporation or proper officer managing such railroad.

Persons not to jump, etc., on cars.

§ 2. No person in the employment of any said corporation or officer, or intrusted with the care or possession of any such engine, or any freight or baggage car upon any said track, shall invite, or solicit any such minor or other person to come, or be, or consent to his remaining upon any last-named car or upon any engine, unless said minor or last-named person shall have the right by law or permission as aforesaid to go or remain upon such car or engine.

Employees not to solicit persons to come or be upon engine, etc.

§ 3. And any person who shall violate either section of this act shall be guilty of a misdemeanor, and be liable to a fine not less than five nor exceeding twenty-five dollars, which may be imposed by any court or magistrate having jurisdiction of any misdemeanor; and the person so offending shall be further liable to imprisonment until such fine and costs of prosecution shall be paid.

Penalty for violation of act.

§ 4. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 371.

AN ACT to incorporate "The Cathedral Chapter and Corporators of the Diocese of Western New York."

PASSED May 25, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Arthur Cleveland Coxe, William Shelton, Edward Ingersoll, John M. Henderson, Libertus Van Bokkelen, Israel Foote, Henry Austice, Lloyd Windsor, James Murdock Smith, William H. Walker, Cyrus P. Lee, William M. White, William B. Douglass, Peter Richards, Thomas C. Montgomery, De Witt Parshall and Gad B. Worthington, and their successors who shall be appointed or elected as hereinafter prescribed, are hereby created a body corporate and politic,

Name and powers.

under the name and style of "The Cathedral Chaper and Corporators of the Diocese of Western New York," and by that name shall have perpetual succession, and be capable of suing and being sued, and of acquiring, taking and holding, in trust or otherwise, by purchase, gift, grant, devise or bequest (subject, however, to all the provisions of law relating to devises or bequests by last will and testament), all and any estate or property, real or personal, necessary or proper for all or any of the objects or purposes of the said corporation, and to sell, convey, or otherwise dispose of the same; provided, however, that the net yearly income of the said estate, thus acquired, shall not exceed the sum of two hundred thousand dollars.

Object.

§ 2. The object and purposes of the said corporation shall be the establishment, erection, maintenance and management of a cathedral church and its appurtenances in the city of Buffalo, in accordance with the doctrines, discipline and worship of the protestant episcopal church in the United States of America, together with such other cathedral foundations, chapels, missions, schools, faculties and other religious and charitable works and institutions as may be properly connected therewith in and for the said diocese, and also a see-house and its appurtenances for the residence, use and occupation of the bishop of said diocese and his successors in office for ever.

First trustees.

§ 3. The persons named in the first section of this act shall be, and are hereby constituted, the first trustees of said corporation, and they shall hold office and have exclusive power to fill vacancies in their own number, until their successors shall be appointed or elected under the constitution to be adopted as hereinafter prescribed; provided, however, that the bishop of the said protestant episcopal church of the diocese in which the city of Buffalo shall be situated, exercising jurisdiction as such for the time being, shall always be, ex-officio, a trustee, and the official head and presiding officer of the said corporation and of said trustees.

Constitution to prescribe number of trustees, etc.

§ 4. The said corporation shall have power to adopt a constitution prescribing the number of the trustees other than the said bishop, of whom at least five shall be laymen, and the mode of appointing or electing the said trustees, and their qualifications, powers, duties and term of office, and to amend such constitution in the mode it shall prescribe for its amendment; and the said corporation shall also have power to

Statutes, canons, etc.

enact statutes, canons or by-laws not inconsistent with such constitution, for the government, regulation and management of the said cor-

poration, its officers, business, property and affairs; and the same, from time to time, to amend, repeal or modify; provided, however, that such constitution, statutes, canons and by-laws shall not be inconsistent with this act, nor with the constitution or any law of this State, and shall be approved by the bishop of said diocese and by the council thereof.

§ 5. The seats for the worshipers in the said cathedral church shall always be free. Free seats.

§ 6. Any incorporated church or congregation of the protestant episcopal church, in said diocese, shall have power to convey and transfer the church edifice and real estate of such incorporated church or congregation to the corporation hereby created; provided that such conveyance and transfer shall be first approved and authorized by the vestry of such incorporated church or congregation, by resolution duly entered in their minutes; and provided further that such conveyance and transfer shall also be approved and authorized by the order of a court of record held in the county in which such church edifice and real estate are situate; and provided further that such church edifice and real estate when the same shall have been so conveyed and transferred, shall be held and used by the corporation hereby created for the religious and charitable purposes aforesaid. Real estate may be conveyed by any church to corporation.

§ 7. This act shall take effect immediately.

CHAP. 372.

AN ACT relative to the village of Athens, in Greene county.

PASSED May 25, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter five hundred and fourteen of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the election of police justices in villages," and the acts amending the same, are hereby made applicable to the village of Athens, in the county of Greene.

§ 2. This act shall take effect immediately.

CHAP. 373.

AN ACT relating to certain buildings erected for county purposes in the city and county of New York.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The powers and duties of the commissioners appointed for the erection of buildings for county purposes in the city and county of New York, known as the county court-house buildings, shall, on the passage of this act, cease and terminate. The department of public works in said city shall have the care of said buildings. All books, Powers of commissioners of county court-house buildings

terminated.

contracts, papers, plans and property in the possession of said commissioners, relating to said buildings, shall forthwith be delivered to said department as the property, and for the use of the mayor, aldermen and commonalty of said city.

Head of department of public works to proceed with work.

§ 2. Whatever work may be necessary to complete the said buildings shall be proceeded with by the head of the said department of public works, when authorized by the board of estimate and apportionment of the city. No such work shall be authorized by said board until a special apportionment is made to provide for the cost of the same, and it shall not be lawful for the head of said department to exceed the amount so appropriated in completing the buildings.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect the first day of June, eighteen hundred and eighty.

CHAP. 374.

AN ACT to authorize the agent and warden of Clinton prison to make certain contracts for the benefit of the State.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Agent to make contracts for leasing saw-mill and coal-kilns, etc.

SECTION 1. The agent and warden of the Clinton prison, if he shall think proper, shall have power to make contracts, for the benefit of the State, for the leasing of the State saw-mill and coal-kilns, so called, or either of them, situate upon the lands of the State at present dedicated to the use of the Clinton prison, and for the sale and disposal of the dead timber standing and timber fallen upon said lands, or portions thereof, as he may think proper, on such terms as to the said agent and warden may seem to be for the best interests of the State; provided, however, that before making any contracts for leasing said saw-mills or coal-kilns, the said agent and warden shall invite proposals for the leasing thereof, by advertisement to be published two weeks in two newspapers published in said county; and provided that no contract or contracts made in accordance with the provisions of this section shall be binding upon the State until the same shall be approved by the superintendent of State prisons and the comptroller.

§ 2. This act shall take effect immediately.

CHAP. 375.

AN ACT in relation to the grading of sidewalks and the laying of flagwalks in front of certain lots on Fourth avenue, in the late village of West Mount Vernon, now a part of the village of Mount Vernon, in the county of Westchester.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings of trustees legalized and confirmed.

SECTION 1. All the proceedings of the trustees of the late village of West Mount Vernon, now a part of the village of Mount Vernon, in relation to grading sidewalks and laying flagwalks in front of lots on Fourth avenue in said late village, known and designated on a certain map, entitled "Map of Central Mount Vernon, situated in the town of East Chester, in the county of Westchester, New York," made by Andrew Findlay, surveyor, dated Westchester, September third, eighteen hundred and fifty-three, and filed in the office of the clerk of Westchester county by the numbers four hundred and forty-four, four hundred and forty-five, four hundred and forty-six, four hundred and forty-seven, four hundred and fifty-five, four hundred and fifty-seven, four hundred and fifty-nine, four hundred and sixty-one, four hundred and sixty-four, four hundred and sixty-six, five hundred and three, five hundred and four, five hundred and five, five hundred and seven, five hundred and nine, five hundred and fifteen, five hundred and eighteen, five hundred and nineteen, five hundred and twenty-one, five hundred and twenty-three, five hundred and twenty-four, five hundred and twenty-eight, the southerly one-half of five hundred and thirty, the northerly one-half of five hundred and thirty and five hundred and thirty-one; prior to the attempting sale or leasing of said lots, on the seventh day of August, eighteen hundred and seventy-seven, by said trustees, for the unpaid expenses of doing said work, are hereby confirmed and declared to be of the same force and effect as if no informality or error had occurred therein; and the expenses of grading such sidewalks and laying such flagwalks in front of said lots shall be and are hereby made and declared to be a lien upon such lots, and are hereby assessed upon the same.

Expenses of grading, etc., a lien on lots.

Lots, on which assessments are unpaid, to be sold.

§ 2. The trustees of the village of Mount Vernon are authorized and directed forthwith, after the first day of July, one thousand eight hundred and eighty, in case the amount hereby assessed and made a lien upon said lots, respectively, remain unpaid, to cause said lots upon which said assessments remain unpaid to be sold at public auction for the payment of such unpaid assessments and all expenses connected therewith, such sale to be advertised and conducted, and to have the same force and effect in all respects as provided by section four of title nine of chapter seven hundred and seventy-six of the laws of eighteen hundred and seventy, and the several amendments thereto in reference to sales of land in said village for unpaid taxes and assessments, except as otherwise provided by this act.

§ 3. This act shall take effect immediately.

CHAP. 376.

AN ACT to incorporate the Grand Lodge Knights of Pythias of the State of New York.

PASSED May 25, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. John C. Nott, Oliver M. Shedd, John C. Almendinger, John J. Acker, Henry C. A. Sauer and James Irwin, and all persons who are now or may hereafter become associated with them, or their successors, are hereby constituted and created a body politic and corporate by the name and title of "The Grand Lodge Knights of Pythias of the State of New York," and as such shall have perpetual succession, and shall be capable of suing and being sued in all courts of record and elsewhere, and of taking, holding, purchasing, granting and conveying real, personal and mixed property to an amount not exceeding one hundred and fifty thousand dollars, to have and use a common seal, and break and alter the same at pleasure, and shall also have power to institute such subordinate lodges as it shall see fit, under such constitutions, by-laws and regulations as the said grand lodge may establish, not in conflict with the laws of this State.

Name and powers.

Board of managers.

§ 2. The grand chancellor, grand vice-chancellor, grand prelate, grand master of exchequer, grand keeper of records and seals and the supreme representative shall constitute the board of managers of this grand lodge and shall be elected annually (except the supreme representative, who shall be elected biennially) at the session of the grand lodge, and shall hold office till their successors shall be elected and installed; the grand lodge shall be composed of the above officers, together with the grand master-at-arms, the grand inner guard, the grand outward guard, the past grand chancellors, the district deputy grand chancellors, and one representative from each subordinate lodge.

Objects.

§ 3. The objects of this organization are hereby declared to be for the cultivation and promotion of friendship, charity and benevolence, and moral, mental and social culture, among the members of the order of Knights of Pythias, to aid, assist and support members of their families in cases of want, sickness or death.

Funds exempt from execution.

§ 4. Such funds as may be raised, procured or set apart by the grand lodge or any subordinate lodge for sick members, or members in distress, or their families, shall be exempt from execution, and shall not be liable to be seized, taken or appropriated by any legal or equitable process to pay any debt or debts contracted by the grand lodge or any subordinate lodge.

On dissolution of subordinate, property to go to grand lodge.

§ 5. Upon the suspension or dissolution of any subordinate lodge, all the funds, the charter or dispensation, the books, regalia or jewels the seal and all working paraphernalia shall belong to and become the property of the grand lodge.

Annual Sessions.

§ 6. The said grand lodge shall hold annual sessions on the Tuesday succeeding the fourth Monday of July, and shall have power to make from time to time, such constitution, by-laws, rules and regulations governing and controlling the said grand lodge and subordinate lodges as the said grand lodge shall deem proper, and shall have power to fine and suspend all officers or members of subordinate lodges under its jurisdiction as shall neglect to comply with such constitution, by-laws, rules or regulations.

§ 7. This act shall take effect immediately.

CHAP. 377.

AN ACT in relation to the government of the city of Brooklyn.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Mayor and comptroller to meet and appoint assessors and other officers.

SECTION 1. Within thirty days after the passage of this act, the mayor and comptroller shall meet at the mayor's office, and shall agree upon and appoint eight assessors, to hold office as hereinafter provided, two for each term; and they shall also agree upon and appoint a proper person to be the head of the department of police and excise, and designated the commissioner of police and excise; and the said mayor and comptroller shall also agree upon and appoint a proper person who shall be the head of the department of city works, and designated the commissioners of said department; also two proper persons to be commissioners of excise; also a proper person who shall be the head of the fire department, and designated as the commissioner of said department; also a proper person who shall be the head of the department of buildings, and to be designated the commissioner thereof; also a proper person who shall be the head of the department of health, and designated as the commissioner of said department; and the president of the department of police and excise and the president of the board of aldermen shall thereupon cease to be members of the board of health of said city; the said mayor and comptroller shall also agree upon and appoint a proper person to be president of the department of assessment, who, together with the eight assessors appointed as hereinbefore provided, shall constitute the department of assessment; and in case they shall fail to agree upon one or more of said appointments, for a period of thirty days after the passage of this act, then, and in that case, no further action shall be taken thereon by the said mayor and comptroller, but such appointments as shall not have been agreed upon and made shall be made by the mayor alone on the first Monday of January, eighteen hundred and eighty-two. Each of the persons so appointed by the mayor and comptroller shall take the oath of office and file the same with the city clerk, together with his official bond, as now prescribed by law, to be approved by the mayor and comptroller, and thereupon the persons so appointed shall respectively take and hold the office to which each shall have been so appointed, until the first day of February, eighteen hundred and eighty-two, except that the assessors shall hold office as hereinafter provided; and the persons so appointed by the mayor alone shall, in like manner, take the oath of office and file their bonds, and hold office for a term as provided in section six of this act; and upon the making of the appointments respectively provided for in this section the term of office of the present presidents and other heads of said departments, respectively, and of the present assessors, shall cease and determine, and thereafter all the powers, duties, obligations, rights and privileges of the heads of the said several departments, as now prescribed by law, shall devolve upon the heads of such departments respectively appointed under this act.

In case of failure to agree.

Official oaths and bonds.

Expiration of official terms.

Commissioners of excise.

§ 2. The said two commissioners of excise shall act on all matters relating to excise with the commissioner of police and excise to be appointed pursuant to this act, and in respect to all matters of excise,

but not of police, shall each possess the same power as the said commissioner of police and excise, who, nevertheless, shall be president of the commissioners of excise and the head thereof. Their successors shall be appointed in the manner and for the term prescribed in section six of this act. As to the present department of fire and buildings, all the powers, duties, obligations, rights and privileges of said department relating to the extinguishing of fires, or in any wise appertaining thereto, shall, upon the appointment and qualification of the said fire commissioner, be vested in the head of the fire department, and all the powers, duties, obligations, rights and privileges of said department of fire and buildings, relating to the erection, alteration and repair of buildings, or in any wise appertaining thereto, shall be vested exclusively in the commission of buildings to be appointed as provided by section one of this act, and who shall organize and constitute a department of buildings; and the appointment of either the fire commissioner or commissioner of buildings shall become valid only upon the appointment and qualification of both said commissioners; and the appointment of the commissioners of police and excise and the two commissioners of excise shall become valid only upon the appointment and qualification of the said three commissioners, respectively, and the appointment of the said eight assessors shall become valid only upon the appointment and qualification of all said assessors.

Fire department and buildings.

Assessors, official term of.

§ 3. Two of the said assessors to be appointed by the mayor and comptroller shall be appointed to hold office until the first day of September, eighteen hundred and eighty-two, two until the first day of September, eighteen hundred and eighty-three, two until the first day of September, eighteen hundred and eighty-four, and two until the first day of September, eighteen hundred and eighty-five; the salary of the president of the board of assessors shall be at the rate of four thousand dollars per year, and after the year eighteen hundred and eighty, the salary of the president of the board of aldermen shall be at the rate of one thousand dollars per year. The salary of the said two commissioners of excise shall be at the rate of twenty-five hundred dollars per annum. The salary of the said commissioner of buildings shall be at the rate of three thousand dollars per annum. The salary of the commissioners of police and excise and of city works, respectively, to be appointed as by this act provided, shall be the same as that of the present presidents of the said departments, respectively; the salary of the fire commissioner and the health commissioner shall be the same as that of the president of the department of fire and buildings, and the present president of the department of health, respectively. To meet any necessary expenses of the said department of buildings for the remainder of the year eighteen hundred and eighty, it shall be the duty of the comptroller to transfer from the funds raised for the department of fire and buildings to the credit of an account to be opened for the said department of buildings, such moneys as have been raised and appropriated for the purpose of overseeing the construction, alteration and repair of buildings.

Salaries.

Id.

Necessary expenses of department of buildings.

Only electors of city to be appointed.

§ 4. No person shall be appointed as herein provided unless he is an elector of said city at the time of his appointment. The head of each of said departments (except the department of assessment) shall have power to designate and appoint, and at pleasure remove a person in his department as his deputy or first assistant; and the person so designated as deputy or first assistant shall, during the absence or inability of the head of the department by whom he was appointed, have power to perform all the ordinary duties of such head of department,

except the power to make appointments, subject, however, to such restrictions or regulations as may be provided by the head of the department so appointing him. All official business of the said several departments shall be transacted at the offices of the said departments, and a continuous record or minute shall be kept at the said offices, respectively, of such business.

Official business to be transacted in offices of department.

§ 5. Any vacancy in any office in the city of Brooklyn, including the board of education, which shall occur prior to January first, eighteen hundred and eighty-one, by expiration of the term of office or otherwise, shall be filled by the mayor and comptroller, and all vacancies occurring during the year eighteen hundred and eighty-one, through death, resignation or removal from office, prior to the expiration of the term for which an officer shall have been appointed, shall be filled by the mayor alone, and all power now conferred by law upon the mayor with consent of the common council to appoint any person in said city is hereby abolished. All vacancies occurring during the term for which an officer shall have been appointed shall be filled only for the unexpired term of such officer.

Vacancies.

§ 6. After the first day of January, eighteen hundred and eighty-two, the mayor of the city of Brooklyn shall have sole and exclusive power to appoint the successor of any commissioner or other head of department (except the department of finance and the department of audit), or of any assessor or member of the board of education of said city, when the terms of such officers shall respectively expire or as by law may then or thereafter be required to be appointed, and the term of office of such appointees and their successors, except assessors whose term shall be for four years, shall be for two years; provided, however, that if the mayor shall refuse or neglect for a period of thirty days after the expiration of the term of any officer, to make an appointment to office authorized to be made pursuant to this section, then and in that case such refusal or neglect shall be adjudged and deemed to be in all respects equivalent to and taken as an express appointment of the commissioner or other officer who may at the time be holding such office.

After January 1, 1882, mayor to have sole and exclusive power of appointment.

§ 7. The officer or officers at the head of any department may appoint and remove his or their clerks and assistants and other subordinates, and fix their salaries; provided, however, that on and after the expiration of thirty days from the time when a new officer or officers shall have been appointed as such head of department, he or they may remove clerks or assistants only upon filing in writing the reasons for any removal with the city clerk, which reasons shall not be questioned in any other place, except that foremen, inspectors and laborers temporarily employed under the department of city works may be removed at any time at the pleasure of the head of such department. No person employed on the police force or on the force for extinguishing fires shall be removed without cause, and then only after a public trial by the head of his department, and after having been found guilty of misconduct or neglect of duty, or having been adjudged incapable of performing his duty; the evidence on such trial shall be taken in full, and kept as a public record.

Head of departments may appoint and remove subordinates.

Police and firemen only to be removed for cause after trial.

§ 8. Any officer who by the express terms of this act shall be deprived of his office shall be entitled to receive his salary in the same manner as if this act had not been passed, up to the expiration of his present term of office, but if such officer shall accept any other office he shall receive no additional compensatiou unless the salary attached to such other office shall be larger than that of the office which

Officers, deprived of office, to receive salary to end of terms.

he shall hold at the time of the passage of this act, in which case he shall receive the salary only which is affixed to such other office. The mayor may suspend any officer appointed under the provisions of this act, provided he shall forthwith serve in writing upon the person suspended the charges and specifications upon which such suspension has been made, and on a notice of not less than five nor more than ten days, served upon the mayor by the person so suspended. The special term of the supreme court shall forthwith hear the proofs and arguments on such charges and specifications, and determine thereon if such suspended officers should be removed, and the judgment of such special term that such officer be removed, affirmed by the general term of the supreme court, shall remove the person so suspended from office from the date of his suspension; but if the judgment of the special term, or of the general term of the supreme court, shall be against such removal, such suspension shall thereupon cease; provided that the mayor may appeal from a judgment of the special term favorable to the accused to the general term, and the general term may reverse the judgment of the special term, and find judgment of removal against the accused officer, if in its judgment justice so requires. The mayor may, if the interests of the city require it, make a temporary appointment during such suspension.

Mayor may suspend officers.

Special term of supreme court to hear charges, etc.

Temporary appointments.

§ 9. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 10. This act shall take effect immediately.

CHAP. 378.

AN ACT to enable the First Baptist Church of Auburn to convey certain real estate.

PASSED May 25, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any justice of the supreme court, or for the county judge of Cayuga county, upon the application of the corporation known as the First Baptist Church and Society of Auburn, in case he shall deem it proper, to make an order for the conveyance as a gift, to the Second Baptist Church and Society of Auburn, of any real estate belonging to such corporation.

§ 2. This act shall take effect immediately.

CHAP. 379.

AN ACT to amend chapter four hundred and eighty-six of the laws of eighteen hundred and fifty-five, entitled "An act to amend the charter of the village of Horseheads, in Chemung county," and the several acts amendatory thereof, and to supplement new sections.

PASSED May 25, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter four hundred and eighty-six of the laws of eighteen hundred and fifty-five, entitled "An act to amend the charter of the village of Horseheads, in Chemung county," is hereby amended by adding the following sections, to be known as sections sixty-four, sixty-five, sixty-six and sixty-seven, and to read as follows: Chap. 486, Laws of 1855, amended.

§ 64. The board of trustees of the village of Horseheads shall have, from and after the passage of this act, full and absolute control of so much of the channel of the Chemung canal as lies between the dam caused by the filling of said canal at the crossing of Mill street in said village, and a dam made by the State at or near the line between lands of Benjamin Westlake and James McQueen, and so much of the Chemung canal feeder channel as lies between its junction with the Chemung canal and the west end of the first lock in said feeder, for the purpose of removing and preventing obstructions, and the depositing or throwing in said canal of any filth, refuse matter or debris that would prevent the free flow of water or contaminate the same, and to keep and maintain water therein at a height not to exceed three feet. Board of trustees to have control of channel of Chemung canal. For what purpose.

§ 65. Said board of trustees shall have power to remove all obstructions from said portion of said canal and to prevent the same, that would hinder or retard the free flow of water therein, and to prevent the depositing or throwing in the same of any filth, refuse matter, debris or any thing whatever that would in any way obstruct the free flow of the water or contaminate the same. Removal of obstructions.

§ 66. Any person or persons who shall place or cause to be placed any obstructions, or shall deposit or throw, or cause to be deposited or thrown in, any filth, refuse matter, debris, or any thing whatever, in said portions of said canal, shall be subject to a fine not exceeding fifty dollars for each and every offense; and for the purpose of enforcing the same said board of trustees shall have the power to make such by-laws and prescribe such penalties as they shall deem proper. Penalty for placing obstructions, etc., in canal.

§ 67. Nothing in this act shall affect in any way the disposition of any portion of said canal heretofore made according to law, or in any way interfere with or prevent a disposition and removal of the material of the locks and bridges of said canal, as provided by chapter four hundred and four of the laws of eighteen hundred and seventy-seven, and the acts amendatory thereof. Not to affect disposition, etc., of canal.

§ 2. This act shall take effect immediately.

CHAP. 380.

AN ACT to fix the salary of the town clerk and commissioner of highways of the town of Saugerties, Ulster county.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Salary of town clerk.

SECTION 1. The town clerk of the town of Saugerties, Ulster county, shall receive an annual salary of one hundred and fifty dollars for his services and expenses, chargeable to and against the town; and he shall not be entitled to receive, nor be allowed against the said town, any fees for services or expenses, except stationery, in addition to the above amount.

Of commissioner of highways.

§ 2. The commissioner of highways of said town of Saugerties shall receive an annual salary of two hundred dollars for his services and expenses, chargeable to and against the said town; and he shall not be entitled to receive, nor be allowed against the town, any sum for services or expenses in addition to the above amount.

§ 3. This act shall take effect at the expiration of the term of the present officers named above.

CHAP. 381.

AN ACT to revive the Gypsum Cemetery Association of Ontario county.

PASSED May 25, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Association revived.

SECTION 1. The Gypsum Cemetery Association of the county of Ontario is hereby revived and restored to its original rights, powers and privileges, under their certificate of incorporation, recorded in the right, title and interest to and in any land for cemetery purposes which the said association would have possessed if it had not forfeited its rights as a cemetery association.

Trustees.

§ 2. Andrew J. Robison, Edwin D. Cobb, Marcus Persons, William J. Van Dusen and Simon P. Robison, the surviving trustees of those chosen and classified at the organization of said association, shall act as such trustees, and manage the affairs and concerns of the said association, until the first Monday of September next, at which time upon due notice given of a meeting for that purpose, there shall be an election for trustees of said association, and annually thereafter, on the first Monday in September, the day fixed on for the annual election of trustees in the original certificate of incorporation. The trustees elected on the first Monday in September next shall be classified by the chairman and secretary into three classes, as required by section one, article one, title nine, chapter eighteen, part one, of the Revised Statutes.

Annual election.

§ 3. This act shall take effect immediately.

CHAP. 382.

AN ACT to repeal chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy-one, entitled "An act to provide for the extension of the Rondout and Oswego railroad to the east bank of the Hudson river and to establish a ferry over said river."

PASSED May 25, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy-one, entitled "An act to provide for the extension of the Rondout and Oswego railroad to the east bank of the Hudson river and to establish a ferry over said river," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 383.

AN ACT to provide for the payment of certain assessments on property of the Bridge Street African Methodist Episcopal Church of the city of Brooklyn.

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Assessments to be paid out of city fund.

SECTION 1. The common council of the city of Brooklyn is hereby authorized in its discretion and by a majority vote, out of the fund raised by said city, to pay taxes and assessments, to direct all assessments for the repaving of Bridge street, from the East river to Myrtle avenue in said city, laid upon the property of the Bridge Street African Methodist Episcopal Church of the city of Brooklyn, to be paid, and upon such direction being given as above provided, the financial officers of said city shall cause the said assessment and all interest and defaults thereon to be paid from the fund aforesaid.

§ 2. This act shall take effect immediately.

CHAP. 384.

AN ACT to repeal section three of chapter six hundred and eighty-three of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the extension of the New York, Kingston and Syracuse railroad."

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter six hundred and eighty-three of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the extension of the New York, Kingston and Syracuse railroad," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 385.

AN ACT to establish a ferry from the farm of Henry G. Burleigh, of the county of Essex, across Lake Champlain.

PASSED May 25, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Ferry across Lake Champlain.

SECTION 1. It shall and may be lawful for Henry G. Burleigh of Ticonderoga, his heirs and assigns, to set up, keep and maintain a ferry across Lake Champlain from the land or farm of the said Henry G. Burleigh, in said town of Ticonderoga, to the town of Shoreham in the State of Vermont, for the term of ten years, to be computed from the twelfth day of April, eighteen hundred and eighty.

Safe boats to be kept and maintained.

§ 2. If the said Henry G. Burleigh, his heirs and assigns, shall set up a ferry as aforesaid, it shall be his and their duty, and he and they are hereby required during the time aforesaid, to keep, maintain and support suitable and safe ferry boats, capable and sufficient for carrying carriages, horses, cattle and passengers, and ready at all reasonable times and seasons to transport and ferry across said lake, persons, goods and chattels.

County court to fix rates of ferriage, etc.

§ 3. The county court of the county of Essex shall and may, and hereby is directed, annually during the continuance of this act in the month of January, to order, direct and determine the several rates of ferriage and hours of the day that boats shall be kept in readiness belonging to said ferry.

Penalty for taking greater rates.

§ 4. If the said Henry G. Burleigh, his heirs or assigns, or any person or ferrymen employed by him or them, shall take, exact or receive any greater or higher rates of ferriage for transporting goods and chattels, or other things whatsoever, than shall be allowed by the provisions of the next preceding section of this act, the person or persons so offending shall forfeit and pay for every such offense the sum of five dollars, to be recovered with costs of suit before any justice of the peace within this State, by any person who shall sue for the same.

Residents

§ 5. Nothing in this act contained shall be deemed or taken to pre-

vent any person or persons who reside within the limits aforesaid, and adjoining the said lake, from the right of making use of their own boats and transporting themselves and property across the same at their pleasure; provided that there is nothing herein contained to impair the rights and privileges granted by chapter six hundred and eighty-two of the laws of eighteen hundred and sixty-nine.

may use their own boats.

§ 6. If at any time hereafter it shall appear upon sufficient evidence to the county court of the county of Essex that the said Henry G. Burleigh, his heirs or assigns, shall willfully and knowingly neglect to comply with the directions or restrictions of this act, in keeping and maintaining the ferry as aforesaid, shall adjudge and declare that all the privileges granted to them by virtue thereof shall cease and be of no effect.

In case of willful neglect county court may adjudge privileges granted forfeited.

§ 7. This act shall take effect on the twelfth day of April, eighteen hundred and eighty.

CHAP. 386.

AN ACT to amend title one, chapter seventeen, part one of the Revised Statutes, entitled "of sales by auctioneers."

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third section of title one of chapter seventeen, part one of the Revised Statutes, entitled "of sales by auctioneers," is hereby amended so as to read as follows:

Sec. 3, title 1, chap. 17, part 1, of the revised statutes, amended.

§ 3. All articles, except those mentioned in the fourth and fifth sections of this title, which shall be sold on commission by an auctioneer, by a copartner or clerk of an auctioneer, or by a person in any way connected in the auction business or in auction sales with an auctioneer, whether at auction or private sale, shall be liable to the duties before enumerated. But nothing in this section or title contained was intended or shall be taken or construed to intend any sale or sales of any articles, goods, wares or merchandise, consigned, sent or delivered to any person, firm or copartnership where such goods shall have been or may be consigned, sent or delivered to any such person, firm or copartnership, with orders or directions in good faith to be sold at private sale, and not at auction, and where such goods shall not have been or be sold at auction.

Articles sold on commission by clerk, etc., to be liable to duty.

Not to affect articles intended in good faith to be sold at private sale.

§ 2. This act shall take effect immediately.

five days from the date of said call, at the place therein designated, at which shall be elected persons from their own number, other than those disapproved of as aforesaid, to fill the said offices, or such of them as are made vacant by said disapproval. All officers of said corporation, whose election is provided for by this act, shall hold their respective offices until their successors are chosen as above provided.

Terms of office.

Trustees of fire department.

§ 3. The chief engineer, the assistant engineers, and the secretary and treasurer of said fire department, elected at the annual meeting of said department, held in pursuance of section two of this act, and the foreman and the first assistant foreman of the several companies belonging thereto, shall be, while acting as such officers, ex officio, and without any further election, the trustees of said corporation. The chief engineer shall be president of the board of trustees, and the assistant engineers shall be vice-presidents thereof. In their absence the board shall designate some one of their number to serve as president. The said secretary and treasurer shall be the secretary and treasurer of the said board. The said trustees, as such, shall not, directly or indirectly, receive any pay or emolument for their services.

President.

Secretary and treasurer.

CHAP. 390.

AN ACT to amend chapter fifty-nine of the laws of one thousand eight hundred and sixty-one, entitled "An act to amend the charter of the Poughkeepsie and New Paltz Ferry Company."

PASSED May 25, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 59, Laws of 1861, amended.

SECTION 1. Section one of chapter fifty-nine of the laws of one thousand eight hundred and sixty-one, entitled "An act to amend the charter of the Poughkeepsie and New Paltz Ferry Company," is hereby amended so as to read as follows:

Right to run a ferry granted on route described.

§ 1. The Poughkeepsie and Highland Ferry Company, limited, are hereby granted the right and authority to run a ferry, by means of vessels propelled by steam power, and to transport persons and property thereon across the Hudson river from any landing place within the boundaries of the city of Poughkeepsie on the east shore, to any landing-place between a point one-half a mile north of and a point one-half a mile south of its present ferry landing on the west side of said river, and to demand and receive the rates of compensation therefor which said company are now allowed to demand and receive for ferriage. No license to run a ferry across the Hudson river to or from any point within the limits aforesaid, as fixed in this act, shall be granted by any county court. But if said company shall omit or neglect to furnish suitable accommodations and convenience for passengers, or to run a ferry boat at proper times and with sufficient frequency, application may be made to the supreme court by any party aggrieved by any such omission or neglect, at any special term of said court in either of the counties of Ulster or Dutchess, upon such notices as the court shall direct, and the court, upon proof of the facts, may, in its discretion, grant license for another ferry within the said limits in the same manner and on the same conditions as county courts are

No license to be granted by county court.

Application to supreme court, when may be made, and license granted.

now authorized to license ferries in other cases, any thing in this act to the contrary notwithstanding, unless the said Poughkeepsie and Highland Ferry Company, limited, shall thereafter obey such order as the said supreme court may thereupon make in relation to the management of the ferry of said company.

§ 2. Provided, however, that the foregoing enactment shall not be construed to empower the said company to make the landing of the ferry for carrying teams, on the Ulster county side any further south upon said Ulster boundary than the said company, before this enactment, had the power to do. Proviso.

§ 3. This act shall take effect immediately.

CHAP. 391.

AN ACT to amend chapter three hundred and fourteen of the laws of eighteen hundred and seventy-one, entitled "An act to amend the act entitled 'An act incorporating the New York Northern Railroad Company,' passed April twenty-eighth, eighteen hundred and sixty-six."

PASSED May 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION. 1. Section one of chapter three hundred and fourteen of the laws of eighteen hundred and seventy-one, entitled "An act to amend the act entitled 'An act incorporating the New York Northern Railroad Company,' passed April twenty-eighth, eighteen hundred and sixty-six," is hereby amended so as to read as follows: Sec. 1, ch. 314, Laws of 1871, amended.

§ 1. The time appointed by section two of the act entitled "An act incorporating the New York Northern Railroad Company," passed April twenty-eighth, eighteen hundred and sixty-six, to commence the construction of a railroad between the city of Schenectady and the city of Ogdensburgh, in the county of St. Lawrence, is hereby extended until the twenty-eighth day of April, eighteen hundred and eighty-six, and the time appointed by said section to finish said railroad is likewise extended until the twenty-eighth day of April, eighteen hundred and ninety-one. Time to commence construction of road, extended.

§ 2. This act shall take effect immediately.

CHAP. 392.

AN ACT relative to janitors in district courts in the city of New York.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The justice of each district court in the city of New York is hereby authorized and empowered to appoint a janitor for such court, who shall hold office during the pleasure of and be subject Justice to appoint janitor.

to the direction of the justice of the court for which he is so appointed. The board of estimate and apportionment of said city is hereby authorized and directed to make provision for the compensation of said janitors, who shall be paid a yearly salary of nine hundred dollars.

Salary.

Not to restrict rights of department of public buildings except as to janitors.

Nothing in this act contained shall in any manner annul, restrict or affect the powers heretofore granted the department of public works of said city, or the commissioner thereof, concerning the control or care of public buildings, except that said department or commissioner shall not have power or authority to appoint janitors for buildings or parts of buildings leased by said city in which district courts are held.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 393.

AN ACT for the regulation of international exhibitions held under the supervision and auspices of the government of the United States, within the State of New York, and preventing seizure of articles and goods deposited on exhibition thereat.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Goods en route to, or on exhibition, not to be seized on attachment, etc.

SECTION 1. No process of attachment, execution, sequestration, replevin, distress or any kind of seizure shall be served or levied upon articles, goods, wares, merchandise or property of any description while the same is en route to or from, or while on exhibition or deposited by exhibitors at any international exhibition held under the auspices or supervision of the United States, within any city or county of this State, nor shall such property be subject to attachment, seizure, levy or sale, for any cause whatever, in the hands of the authorities of such exhibition or otherwise.

CHAP. 394.

AN ACT to release certain lands which have escheated to the State, to Francis Marrin, the father of Francis Marrin, late of the village of Fairport, Monroe county, New York.

PASSED May 26, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of State released.

SECTION 1. All the estate, right, title and interest of the people of the State of New York of, in and to a certain piece or parcel of land situate, lying and being in the village of Fairport, county of Monroe and State of New York, and which escheated to the State of New York upon the death of the said Francis Marrin, late of said village of Fairport, are hereby released to Francis Marrin, father of the said

Francis Marrin, deceased, and to his heirs and assigns forever. Said parcel of land is more particularly described as follows: Lot number eight of J. Y. Parce's subdivision of a part of town lot number forty-four, according to a certain map filed in Monroe county clerk's office, October thirty-first, eighteen hundred and seventy-four, containing about thirty-four and one-third rods of land.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any claim, right or interest of any heir at law, devisee of the said Francis Marrin, deceased, or of any creditor by judgment, mortgage or otherwise. Not to impair vested rights.

§ 3. This act shall take effect immediately.

CHAP. 395.

AN ACT to prevent interference with owners and captains of steamers engaged in the towing business.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this act, it shall be unlawful for any person or persons employing steam vessels for towing, to receive any commission or compensation for any orders given to the owners, captains or agents of such steam vessel for such towage. And it shall be unlawful for any person or persons to interfere with or hinder any owner, captain or agent of any steam vessel engaged in towing, while in the prosecution of their business. But the provisions of this section shall not apply to the towing of canal boats, and nothing herein contained shall repeal or in any manner alter or affect any existing law or regulation in regard to pilotage or quarantine in the port of New York. Persons employing steam towing vessels not to receive commissions for orders, etc. Not to apply to canal boats nor affect pilotage.

§ 2. Any violation of the preceding section by any person or persons shall be punishable by a fine of not less than fifty dollars for the first and second offense, and upon any conviction thereafter, for each and every offense to a penalty of not less than one hundred dollars and imprisonment for three months. Penalty for violation of act.

§ 3. Any violation of section one, by any captain, owner or agent of steamers, shall be punishable by a fine not less than fifty dollars for the first and second offense; upon any conviction thereafter, for each and every offense, to a penalty of not less than one hundred dollars and imprisonment for three months. Id.

§ 4. Nothing in this act contained shall affect or apply to the waters of Lake Champlain. Not to apply to Lake Champlain.

§ 5. This act shall take effect immediately.

CHAP. 396.

AN ACT to amend chapter four hundred and nine of the laws of eighteen hundred and seventy-nine, entitled "An act to extend the time for the organization of the Centennial Insurance Company of New York."

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 409, Laws of 1879, amended.

SECTION 1. Section one of chapter four hundred and nine of the laws of eighteen hundred and seventy-nine, entitled "An act to extend the time for the organization of the Centennial Insurance Company of New York," is hereby amended so as to read as follows:

Time for company to organize, etc., extended.

§ 1. The time in which the Centennial Insurance Company of New York may organize and commence business, and the time for the subscription to and payment of the capital stock of the said company, and for depositing bonds, mortgages, or other securities with the superintendent of the insurance department is hereby extended for two years from the first day of May, eighteen hundred and seventy-nine.

Act, how to be construed.

§ 2. Nothing in this act shall be construed so as to create or renew any liability on the part of any incorporator, or subscriber for stock in said company, nor of any of their heirs or legal representatives. Nor shall any legal right of any subscriber or stock in said company, for any incorporator thereof, be in any wise affected by this act.

§ 3. This act shall take effect immediately.

CHAP. 397.

AN ACT to amend chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the formation of county and town co-operative insurance companies."

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 287, Laws of 1879, amended.

SECTION 1. Section one of chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the formation of county and town co-operative insurance companies," is hereby amended so as to read as follows:

Corporators.

§ 1. It shall be lawful for any number of persons not less than twenty-five, residing in one or more adjoining towns, or in any county, or in any two adjoining counties in the State, who collectively own property of not less than fifty thousand dollars in value, which they desire to have insured, to form themselves into an incorporated company, for the purpose of co-operative insurance against loss or damage by fire or lightning, by making, signing and acknowledging, before some officer by law authorized to take acknowledgments of conveyances of real estate, a certificate of their intention to form such corpo-

Object.

ration, stating the town or towns, or the county or counties in which such company intends to do business, its corporate name, which shall embrace the county or counties in cases when the association includes one or more counties, and the name of the town in cases of towns in which the business office of said company is located. Every person insured in said company shall sign an application for insurance as required by the articles of association and by-laws of the company, and thereby become a member thereof. Applications for insurance.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. Every company formed according to the provisions of this act shall choose of their members not less than five nor more than nine directors in the case of town insurance companies or associations nor (one director for every town) less than five directors nor more than one director for every town in case of county insurance companies or associations within the territorial limits of said company or association, whose duty it shall be to manage the business of the company or association who shall hold their office one year or until others are elected and qualified; and said directors shall choose from the members of said company or association a president and a secretary and such other officers as their by-laws shall prescribe. All officers shall be elected by ballot. The business and corporate powers of the companies or associations incorporated under this act shall be exercised by said board of directors, subject to the by-laws of the company or association. The by-laws shall prescribe the number of said directors necessary to constitute a quorum for the transaction of business, and may provide for an executive committee for such purposes as may be necessary, and may require officers to give such bonds as the interests of the company may require. Directors. Term of office. Board of directors to exercise corporate powers.

§ 3. Section six of said act is hereby amended so as to read as follows:

§ 6. The directors of any company formed under this act may issue policies of insurance signed by their president and secretary, agreeing, in the name of said company, to pay all damages, not exceeding the amount insured, done to farm buildings detached at least one hundred feet from other buildings more hazardous, and at least sixty feet from other individual risks, and their contents and live stock owned on the premises, caused by fire or lightning during the time mentioned in the policy of the insured loser; said directors shall not issue policies for less than one year nor for more than five years, and they shall not insure more than three thousand dollars in any one risk in town associations, and five thousand dollars in any one risk in county associations. The directors may issue more than one policy to one person, firm or corporation having separate or detached buildings, detached at least one hundred feet from other buildings more hazardous, and at least sixty feet from other individual risks, and not otherwise prohibited by the by-laws of the company. Said policy so issued shall have attached thereto a printed copy of the by-laws and regulations of the company. Policies of insurance.

§ 4. Section twelve of said act is hereby amended so as to read as follows:

§ 12. No company organized pursuant to the provisions of this act shall insure any buildings or property out of the limits of the territory comprised in the articles of association adopted in the formation of the company, except where a person or member of the company, who has a farm extended beyond the line of the said limits in which he resides, Not to insure buildings out of limit of territory comprised

In articles of association.

has buildings on that part beyond, in which case such buildings and their contents may be insured together with his other buildings; nor shall any company insure any property other than detached dwellings and their contents, stacks of farm produce, live stock owned upon such property, and farm buildings and their contents detached at least one hundred feet from other buildings more hazardous, and at least sixty feet from other individual risks.

§ 5. Section thirteen of said act is hereby amended so as to read as follows:

Directors to be chosen annually by ballot.

§ 13. The directors of any company or association organized under the provisions of this act shall be chosen by ballot at the annual meeting of the company, which shall be held on the second Tuesday of January, unless some other day be designated by the by-laws of any such company or association. At such meeting every person insured shall have one vote, and shall be entitled to vote by proxy at such elections, unless prohibited by the by-laws of the company or association.

§ 6. Section eighteen of said act is hereby amended so as to read as follows:

Companies doing business may organize under this act.

§ 18. Any company or association already doing a business of insurance upon the principles prescribed by this act may become organized and possess all the power, and be subject to the restrictions and regulations required by this act, upon filing a statement of their condition at the time, containing the requirements of section three, in the offices required by said section. The said companies or associations shall thereafter be subject to the provisions of this act, and the policies theretofore issued by them shall be as valid, and the rights and powers of the officers and members of such companies or associations shall be the same in all respects as if they had been originally organized under this act.

§ 7. This act shall take effect immediately.

CHAP. 398.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and eighty, entitled "An act to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled 'An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,'" and to re-enact chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 106, Laws of 1880, amended.

SECTION 1. Section one of chapter one hundred and six of the laws of eighteen hundred and eighty, entitled "An act to repeal chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled 'An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in

relation to courts of record in the city and county of New York,'" is hereby amended so as to read as follows:

§ 1. Chapter five hundred and fifteen of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter six hundred and twenty-five of the laws of eighteen hundred and seventy-five, entitled 'An act in relation to courts of record in the city and county of New York,'" is hereby repealed, and chapter five hundred and fifteen of the laws of eighteen hundred and seventy-five, entitled "An act in relation to courts of record in the city and county of New York," is hereby re-enacted as follows: "All orders of arrest, warrants of attachment, executions and proceedings to recover personal property in civil actions, except when the sheriff is a necessary party thereto, made or issuing out of any court of record in the city and county of New York, whether by statute or otherwise, shall be issued to the sheriff only.

Chap. 515, Laws of 1879, repealed.

Chap. 515, Laws of 1875, re-enacted.

§ 2. This act shall take effect immediately.

CHAP. 399.

AN ACT to further amend chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, entitled "An act for the regulation of tenement and lodging-houses in the cities of New York and Brooklyn," as amended by chapter five hundred and four of the laws of eighteen hundred and seventy-nine.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, entitled "An act for the regulation of tenement and lodging-houses in the cities of New York and Brooklyn," as amended by chapter five hundred and four of the laws of eighteen hundred and seventy-nine, is hereby amended so as to read as follows:

Sec. 13, ch. 908 of 1867, amended.

§ 13. It shall not be lawful hereafter to erect for, to convert to, the purposes of a tenement or lodging-house, a building on any lot where there is another building on the same lot, unless there is a clear open space exclusively belonging thereto, and extending upward from the ground of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall not be less than twenty feet; and if they are more than three stories high, the distance between them shall not be less than twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on any lot, there shall be a clear open space of not less than ten feet between it and the rear line of the lot. But when thorough ventilation of such open space can be otherwise secured, such distances may be lessened or modified in special cases, or the open spaces may be dispensed with on corner lots by a permit from the board of health. No one continuous building shall be built or converted to the purposes of a tenement or lodging-house in

Building not to be erected or used as a tenement house on lot where there is another tenement house unless there is a clear open space, etc.

Space at rear.

Size.

the city of New York, upon an ordinary city lot, to occupy more than sixty-five per centum of the said lot, and in the same proportion if the lot be greater or less in size than twenty-five feet by one hundred feet; but this provision shall not apply to corner lots, and may be modified in other special cases by a permit from the board of health.

§ 2. Section five of said chapter five hundred and four of the laws of eighteen hundred and seventy-nine is hereby amended so as to read as follows:

Detail from police force for service of the board of health.

§ 5. The board of police of the city of New York, upon the requisition of the board of health of the city of New York, shall detail to the service of the said board of health, for the purpose of the enforcement of the provisions of this act and of chapter nine hundred and eight of the laws of eighteen hundred and sixty-seven, in the said city, not exceeding thirty suitable officers, and men of experience of at least five years' service in the police force; provided that the board of health shall pay monthly to the board of police a sum equal to the pay of all officers and men so detailed. These officers and men shall belong to the sanitary company of police, and shall report to the president of the board of health. The board of health may report back to the board of police, for punishment, any member of said company guilty of any breach of orders or discipline, or of neglecting his duty, and thereupon the board of police may detail another officer or man in his place, and the discipline of the said members of the sanitary company shall be in the jurisdiction of the board of police; but at any time the board of health may object to the effeciency of any member of said sanitary company, and thereupon another officer or man may be detailed in his place. The board of police shall have the power, and it shall be their duty, to fill all vacancies in the police force of the city caused by the detailing of said officers and men, upon the requisition of the board of health, and to make new appointments to said force equal in number to the officers and men now, or who may hereafter be detailed to the service of the board of health under and by virtue of the provisions of this act.

Discipline of.

Vacancies caused by detail, to be filled.

§ 3. All acts or parts of acts and all laws, regulations or ordinances inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 400.

AN ACT making appropriations for the several judicial district libraries.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated, and the treasurer shall pay on the warrant of the comptroller from any moneys in the treasury not otherwise appropriated, the several amounts or such parts thereof as shall be sufficient to accomplish the purposes herein designated, to the persons and for the objects herein indicated, namely:

For law libraries.

For supplying deficiencies in various law libraries of the State, for paying arrears of purchases, and for additional purchases therefor, as follows: For the public law library known as "the library of the court

of appeals" at the city of Rochester, one thousand five hundred dollars, to be paid on bills therefor certified by the chief judge of said court; for the law library formerly in the possession of the late Judge Allen, two thousand dollars, to be paid on bills therefor certified by the judge having such library in charge, and on checks or drafts of the chief judge of said court; and for the several district law libraries of the State, to be paid on bills therefor certified by the justices of the supreme court, or a majority of them, residing in the respective judicial districts, as follows: for the second judicial district library at Brooklyn, the sum of two thousand dollars; for the third judicial district library, at Kingston, fifteen hundred dollars; for the fourth judicial district library, at Saratoga Springs, one thousand dollars; for the fifth judicial district library, at Syracuse, one thousand dollars, and for the one at Utica, one thousand dollars; for the sixth judicial district library, at Binghamton, one thousand nine hundred and four dollars, and for the one at Delhi, one thousand and ninety-six dollars and thirty-two cents; and for the eighth judicial district library, at Buffalo, one thousand eight hundred and seventy-nine dollars and fifteen cents.

Library at Rochester, $1,500.

For library of Judge Allen, $2,000

Other libraries.

§ 2. The said several sums above appropriated shall be paid in full to the parties above named, to be by them disbursed for the purchase only of law books for their said several libraries.

To whom to be paid.

§ 3. There is hereby appropriated and shall be paid annually by the State treasurer, upon the warrant of the comptroller, to each of said libraries, through their said trustees or designated representatives mentioned in section one, and their successors, the sum of six hundred dollars or so much thereof as shall be necessary, to be by them disbursed for the purchase of current law books and continuation of current law reports in the maintenance of their said libraries.

Annual appropriation.

§ 4. This act shall take effect immediately.

CHAP. 401.

AN ACT to amend chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-two, entitled "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners."

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-two, entitled "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners," is hereby amended so as to read as follows:

Sec. 5, ch. 231, Laws of 1872, amended.

§ 5. The said board of water commissioners is hereby authorized and empowered to make such prudential rules, regulations and by-laws in relation to the use of said water as they may from time to time deem to be necessary, and shall have the full and exclusive control of said works under this act, and the management of the finances connected

Rules, regulations, etc., in relation to use of water.

therewith, and shall have the power to establish the rates and charges for the use of water. The said board shall have power to assess upon every building within the limits of the village of Peekskill, and the lot upon which the same shall stand, an amount which said board shall deem proper to be paid by the owner thereof for the protection from fire. And in making such assessment for such fire protection it shall be made pro rata, taking the valuation of the property from the last assessment roll of the town of Cortlandt as a basis. It shall be the duty of the board of water commissioners, after completing said assessment roll or charges made against the owners of buildings and the lots upon which the same shall stand for fire protection, to cause a notice that such roll has been completed, and that the rates of charges have been fixed, to be published in one or more of the newspapers published in said village, at least ten days before the first day of October of each year, which notice shall state a place within said village where said assessment roll and rates of charges for the use of water can be examined, and the same shall be left at said place during said ten days and be open to inspection to all persons during such time from ten o'clock in the forenoon until four o'clock in the afternoon of each day. In case any person shall feel aggrieved by any such assessment for fire protection, or charges for use of water, he may within ten days after said first day of October of each year appeal to said board by serving upon the president of said board of water commissioners a written statement as to his objections or grievances. It shall be the duty of the said board upon receiving any such statement within such time to appoint a time and place, which shall be within thirty days after the serving of such notice, for the hearing of such appeals as may have been made, and shall give five days' previous notice of the time and place of hearing such appeal, by causing a written or printed notice thereof to be served upon such person or persons as may have appealed, personally, or by leaving the same at the residence of each person so appealing, and if such person cannot be found, and has no residence in the village of Peekskill, then such notice may be served by leaving the same with some person of mature age residing or occupying the premises, and if there shall be no such person residing upon or occupying the premises, then by posting such notice in a conspicuous place on said premises at least five days before the time mentioned therein for the purpose of hearing such appeal. The said board shall at such time and place, and at such other times and places to which they may for that purpose adjourn, have power to alter the proportions of such assessment for fire protection and rates or charges for the use of water in such manner as it shall deem just. And from and after the tenth day of October in each year all assessments for fire protection and all charges for the use of water from which no appeal shall have been taken as aforesaid and from and after the final determination of said board on such appeals, all assessments for fire protection and charges for the use of water from which such appeal may have been taken shall be liens upon the real estate of the person against whom such assessments or charges may have been made. In case any such assessment for fire protection or the use of water shall not be paid within three months from the first day of October of each year, it shall be lawful for said board to add four per centum to the amount so assessed or charged on the first day of January following, and one per centum per month for each and every month thereafter, until the amount be paid. It shall be lawful for the said board to issue

Assessment for fire protection.

How to be made.

Notice of completion of to be published.

Appeals from assessment.

Hearing of.

Notice of.

Power of board on hearing of appeal.

Assessment to be a lien on lots.

Per centum to be added if not paid.

Warrant

warrants for the collection of all amounts due and unpaid as may appear upon the assessment roll for fire protection and the charges for use of water against the owner or owners of such property or real estate, so assessed for fire protection and against the persons against whom such charges for the use of water shall be made, on the first day of June in each year next after such assessment; said warrants to be issued under the hand of the president of said board, and delivered to a person to be appointed by said board for that purpose, and with power to collect the same; the said person, after receiving the said warrants, shall immediately levy and collect the amount, from any personal property of the persons against whose property or against whom said assessments for fire protection or charges for the use of water may be made, or from any personal property found upon the premises of said owner, and expose said personal property for sale at public auction, by giving the same notice of sale that is required by law on sales by constables on execution; and if no personal property be found to satisfy the claim, then it shall be lawful for the said board to bound or have bounded by one of the elected assessors of the village of Peekskill, or the town of Cortlandt, the said pieces of property or real estate upon which said assessment for fire protection, or on account of which charges for the use of water remain unpaid, and the same with a statement of the assessments and charges for the use of water so due and unpaid, shall be placed in the hands of the supervisor of the town of Cortlandt, and the said supervisor shall advertise and expose for sale the said bounded property of real estate aforesaid, together with and at the same time and place that bounded pieces of property are to be sold for unpaid taxes in the town of Cortlandt, and the same laws governing the sale of real property for unpaid taxes in the town of Cortlandt (except that no action of the board of town auditors shall be necessary or be had with reference to the collection of taxes under this act). And the time and mode of redemption thereof shall govern the sale of property for the payment of unpaid assessments for fire protection and the charges for use of water, and it shall also be the duty of the said supervisor to bid off said property in the name of said board of water commissioners at such sale of such property in the same manner as he is required by law to bid off property at such sales in behalf of said town, and all of the provisions of law with reference to purchasers at sales by such supervisor for unpaid taxes in said town of Cortlandt, shall apply to purchasers at sales made by said supervisor under the provisions of this act. The supervisor shall, on or before the fifteenth day of November following such sales, make a true and correct return to the said board of water commissioners, of all the bounded pieces of property placed in his hands for sale, and pay over to the treasurer of said board the amounts received from the sale of each piece or parcel of property or real estate so sold by him, after deducting the expenses of such sales, and shall, also, within the same time, make and deliver to the president of said board a certificate of such purchases as he may make, in the name of said board of water commissioners. The said board of water commissioners is hereby authorized to take leases of all such lots or parcels of land as may be so bid off by such supervisor in the name of said board, and which shall not be redeemed as provided by law with reference to sales by said supervisor for unpaid taxes in said town, and said supervisor shall execute to said board a lease or leases therefor in the same manner as provided by law with reference to leases to said town, and said board may sell, assign and dispose of any such leases in such

for collection.

To whom to be delivered and how executed.

Proceedings in case not collected out of personal property.

Redemption.

Supervisors to make return to water commissioners

Leases of lots bid off by supervisor.

Trustees to pay over to treasurer of water commissioners all moneys in their hands.

manner as the said board shall deem proper. It shall be the duty of the board of village trustees to pay over to the treasurer of the board of water commissioners all moneys now remaining and being in their hands as collected by them for the said board of water commissioners, for fire protection and use of water, and also to return to them a detailed statement of all amounts now remaining due for fire protection and use of water.

§ 2. Subdivision three of section six of said act is hereby amended so as to read as follows:

Commissioners may borrow money to meet deficiency in interest.

3. To meet any deficiency in the payment of the semi-annual interest on the bonds issued under the provisions of this act, the said board of water commissioners is hereby authorized, after first applying all the money in its treasury applicable to that purpose, to borrow an amount sufficient to meet such deficiency and to pay such interest.

Annual report to be made and published.

At each annual meeting of said board of water commissioners a detailed report shall be made by them of all moneys received and expended, and the same published in one issue of two or more of the village newspapers, published in said village, before the first day of May of each year.

Organization.

It shall be the duty of the water commissioners to meet on the second Thursday evening after each annual village election, and organize themselves into a board, by electing a president, secretary and treasurer, and to appoint a superintendent.

§ 3. This act shall take effect immediately.

CHAP. 402.

AN ACT to amend and consolidate an act entitled "An act to incorporate the village of Cambridge," passed April sixteenth, eighteen hundred and sixty-six, and the several acts amending and supplementing the same.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chap. 606 of the Laws of 1866, amended.

SECTION 1. The act entitled "An act to incorporate the village of Cambridge," passed April sixteenth, eighteen hundred and sixty-six, and the several acts amending and supplementing the same, are hereby consolidated and amended to read as follows:

Boundaries of the village.

§ 1. The territory within the following limits shall constitute the village of Cambridge: Beginning at a cedar stake in the northern line of the Woodland Cemetery, so called, and thence, according to the magnetic bearings of the year eighteen hundred and sixty-six, south seventy-two degrees east, ten chains, to a point south five degrees fifteen minutes westerly, and six links distant from a small apple tree; thence south forty-five degrees fifty-five minutes east, sixty-seven chains ninety-two links to the center of the intersection of the two roads; thence south seven degrees fifteen minutes west, thirty-five chains twenty-six links to Warner and Lovejoy's mill-dam; thence across and along the creek, and again across to the westerly side of the creek, south eighty-three degrees twenty-five minutes west, nineteen chains ninety-five links; thence south fifty-eight degrees forty-five minutes west, eight chains eighty-five links and offset of one chain sixty-five links to creek; thence south twenty-six degrees twenty-

five minutes west, twenty-two chains ninety-four links to a sugar maple on the westerly bank of the creek, and offset of twenty-eight links to the creek; thence north eighty-one degrees twenty minutes west, sixty-eight chains fifty links to the westerly side of the "Old Northern Turnpike road," so called; thence along the westerly side of said road south eleven degrees forty-five minutes west, seven chains sixty-six links; thence north seventy-two degrees thirty minutes west, eight chains eighty-seven links to a point drilled in the rocks westerly from Joseph Mitchell's house; thence north twenty-six degrees thirty-two minutes west, forty-eight chains thirty links to the north-westerly corner of Joseph Mitchell's farm and the south-westerly corner of John M. Stevenson's wood lot; thence north two degrees twelve minutes east, twenty-one chains forty-four links to the middle of the highway; thence north five degrees east, six chains sixty-seven links along the easterly side of the road; thence south eighty-seven degrees twenty-one minutes east, sixteen chains thirteen links on the south line of John Skiff's farm; thence northwardly on the line between Robert Coulter and John Skiff's and John M. Stevenson, thirty-nine chains thirty-six links to the north-westerly corner of Robert Coulter's farm; thence south eighty-seven degrees forty-six minutes east, thirty-seven chains seventy links to the place of beginning, and the territory included within the above bounds shall be and constitute two separate road districts, the dividing line of which shall be the railroad; that the highway tax shall be worked in the district where assessed, except the bank and railroad taxes, which shall be divided equally between said districts; that there shall be six trustees, three of whom shall reside in each of said road districts; and the said board of trustees is hereby vested with all the powers and charged with all the duties of commissioners of highways of towns so far as such powers and duties are not inconsistent with this act and are applicable to said village, except over highway bridges in the bounds of said village; to keep the roads, avenues, streets, lanes, public buildings and public places of the village in good order, repair and condition; to construct culverts and drains; to make and repair foot bridges which may be necessary within the bounds of the village; to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks; to pave, plank or flag roads, crossroads or sidewalks; lay out and open new roads or streets of such width as they shall determine, not to exceed four rods wide; to widen, alter and change the grade, or otherwise improve the roads, avenues, streets, lanes and sidewalks. All persons and corporations assessed for highway labor in said village shall be compelled by order of the board of trustees to commute by paying the collector of said village one dollar for each day so assessed, and the warrant to the collector shall contain such order. If any person or corporation assessed shall, when so required, neglect or refuse to pay such commutation on demand, the same proceedings may be had to compel payment, as for omitting or neglecting to work when duly notified, or the board may cause such person or corporation to be prosecuted therefor, in an action at law, wherein one dollar shall be recovered for each day assessed, and not commuted as aforesaid. All sums and commutations so collected shall be paid to the treasurer to the credit of the street fund.

Two separate road districts.

Trustees to be commissioners of highways.

Duties of.

Commutation for highway labor.

§ 2. The inhabitants of said village shall be an incorporation by the name of "The Village of Cambridge," and may sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure; and may receive by gift, grant, devise, bequest or pur-

Corporate name and powers.

chase, and hold and convey such real and personal estate as the purposes of the corporation may require, provided that no real estate shall be purchased and no public buildings be erected, made or disposed of, exceeding in value the sum of five hundred dollars, without the consent of the freeholders, who are inhabitants of said village, or the majority of such persons voting at any legal meeting.

Officers. § 3. The officers of the said village shall be denominated village officers. The village officers shall be a president and six trustees, who shall reside within the territory of the said village, and three of whom shall reside in each road district, as provided in section one; a treasurer, assessor, clerk, collector, two street commissioners, one in each road district; six police constables, three in each road district; a police justice, a pound master, and two fire wardens. The president, trustees, treasurer, assessor, police justice and collector shall be elected by ballot at each annual meeting, and shall serve without fee or reward, except the police justice, collector and assessor, who shall severally be entitled to their fees as hereinafter provided; all other officers named in this act shall be appointed annually by the board of trustees, and may be removed by the board of trustees for sufficient cause shown, but all such officers shall have the right to be heard in their own defense before said board, after they have been duly served with a copy of said charge. The said police justice and police constables shall have, and are hereby vested, with the same powers and jurisdiction, in all criminal proceedings arising in the bounds of said village, and in all actions for penalties arising under any of the provisions of this act, or under any of the by-laws of said village, and shall be entitled to the same fees for their services, and shall be paid in the same manner, as is now provided by law for justices of the peace and constables in the towns of Cambridge and White Creek respectively.

Election of.

Appointment of.

Jurisdiction of, etc., of police justice and constables.

Duty of police constables. § 4. It shall be the especial duty of the police constables to see that the police regulations, by-laws and ordinances of said village be properly observed, and to discover and report to the president, or any of the trustees, all violations thereof; they shall have power, and it shall be their duty, without process, to arrest and take before the police justice of said village, or in case of his absence from said village, before any justice of the peace residing in said village, as soon after such arrest as practicable, and confine in the meantime for safe-keeping in the lock-up of said village, any person or persons found engaged in violating in any manner the public peace or quiet, and all designated by law as disorderly persons who may be guilty of acts rendering them such, in the presence of such police constables, or either of them; they shall also have power, and it shall be the duty of said constables, or either of them, to arrest without process any and all drunken or disorderly persons or common prostitutes, in any street or public place in said village, and take him or her before the police justice of said village, or in his absence from said village, before any justice of the peace residing in said village, to be dealt with according to law; said police constables shall also have charge of the lock-up of said village, under and subject to the regulations of the board of trustees.

Annual election. § 5. An election of officers of said village shall be held annually, on the last Tuesday of March of each and every year by three inspectors of election, to be annually appointed by the board of trustees at the last regular meeting of said board of trustees, previous to said election at such place in said village as the board of trustees shall ap-

point, of which election ten days' notice shall be given by publishing the same in the village paper, or in any such other manner as the trustees may direct; and it is hereby provided that each of said inspectors of election shall receive as compensation for such services the sum of two dollars per day.

Electors.

§ 6. Every inhabitant residing in said village, who shall at the time and place of offering his vote be entitled to vote for member of assembly, shall be entitled to vote for all officers to be elected by virtue of this act in said village.

Challenge of.

§ 7. Every person offering to vote at such election may be challenged in the same manner as at a general election for State officers, and the same proceedings had thereon as are or shall be prescribed by law in relation to general elections, so far as the same shall be applicable.

Chief executive officer.

§ 8. The president of the board of trustees shall be the chief executive officer of the village, and shall preside at all meetings; but if not present, one of the trustees present, who shall be selected by a majority of the trustees then present, shall preside at such meeting, or at any legal meeting of the board of trustees.

Commencement of term of office.

§ 9. All officers elected at the annual village election shall enter upon the duties of their offices on the Tuesday succeeding their election, and continue in office until the Tuesday succeeding the next annual village election, except as in this act otherwise provided, and until their successors have taken the oath of office and become duly qualified to serve therein. All officers appointed shall enter upon their duties immediately.

Vacancies.

§ 10. If any vacancy shall happen in any elective office, the board of trustees may order and direct a special election to be held to fill the same; and such election shall be held and conducted in the same manner as the annual election of the village; and such person so elected shall enter upon the duties of his office immediately.

Only residents to hold office.

§ 11. No person shall be elected to any office under this act, unless he shall be at the time a resident of said village of Cambridge, and whenever any officer of said village shall cease to be a resident of the village, his office shall thereby become vacant.

Official bonds.

§ 12. The treasurer, street commissioners, police justice and collector and police constables shall severally, before they enter upon the duties of their several offices, file with the clerk a bond to the village of Cambridge, in such penalty and with such sureties as the board of trustees shall direct, the sureties to be approved by said trustees, conditioned that they shall faithfully perform the duties of their respective offices, and account for and pay over all moneys to be received by them by virtue thereof.

Official oaths.

§ 13. Within five days after any person, who shall have been elected or appointed to any office in the village, shall have received from the clerk notice in writing of his election or appointment as herein provided, he shall take and file with the clerk the constitutional oath. If he shall neglect or refuse so to do, the board of trustees may declare the office to which he was elected or appointed vacant, and if it is one which the board of trustees are authorized to fill, they shall fill the same, or may order a new election to fill it, if it is not.

Resignations.

§ 14. Resignation of any office held under the provisions of this act shall be made to the board of trustees in writing, and filed with the clerk of the village.

President, duties of.

§ 15. The president of the village shall be the presiding officer of the board of trustees, and shall have the casting vote in all cases of a tie. It shall be his duty to call special meetings whenever he shall

think proper, receive complaints of any breach of the by-laws, rules, regulations and ordinances, and see that the same are faithfully executed. In case of his absence from the village, or his inability to perform the duties of his office, the board of trustees shall appoint one of their own number as president, pro tem., who shall, during such absence or inability, be vested with the powers and duties of the president.

Clerk, duties of.

§ 16. The clerk shall keep the corporate seal, and all books and papers belonging to the village. He shall attend the meetings of the board of trustees, and record in a book, to be provided for that purpose, all votes, regulations, ordinances and proceedings, and shall perform such other duties as the said trustees shall, from time to time, require of him. He shall keep an accurate account, under the appropriate heads, of expenditures and of all orders drawn on the treasury, in a check-book to be kept for that purpose. Copies of all papers filed in his office, and transcripts from the record of the proceedings of said board, duly certified by him, shall be evidence in all courts and places, in like manner as if the originals were produced. He shall, within five days of the election or appointment, give notice in writing to all persons elected or appointed to any office under this act.

Treasurer, duties of.

§ 17. The treasurer shall receive all moneys belonging to the village, and keep an accurate account of all expenditures, so as to exhibit the amount paid under each particular class or purposes for which moneys shall be raised. All moneys shall be drawn from him in pursuance of a resolution of the board of trustees, by warrants, specifying for what purpose they are drawn, signed by the clerk and countersigned by the president of the board of trustees, or the presiding officer of the said board for the time being. The treasurer shall, at least ten days before the annual election in each year, and at such other times as the said trustees shall require, present to said board of trustees, and file with the clerk a full account of his receipts and disbursements since the date of the last report, and a statement of the financial condition of the treasury.

Street commissioners, duties of.

§ 18. The street commissioners shall, under the direction and supervision of the board of trustees, superintend all work ordered or required to be done or performed upon any of the streets, highways, lanes, alleys, foot-bridges and walks in said village. They shall hire and employ the requisite laborers, and direct them as to the time and manner of the execution of their work, and shall certify from time to time to said board, when required by them, the names of all persons who shall have been employed by them, and the amount paid each person each day. They shall, within said village, possess the powers and perform the duties of overseers of highways, so far as such powers and duties are required to be performed therein and are consistent with this act. They shall keep an accurate account of all moneys expended by them, and shall, at least ten days before the annual election, and at such other times as the board of trustees shall require, render to the said board a statement, under oath, setting forth the amount of work done, and when and where done, the amount of money received and paid out, together with vouchers, and the street commissioners shall be entitled to receive for their services such sum as the trustees shall direct, to be paid out of the general highway fund. The assessor shall receive the same per diem compensation as by law is allowed the assessors of the towns of Cambridge and White Creek, to be paid out of the village treasury upon the order of the board of trustees. The pound master, fire warden and other officers appointed by the board of trustees shall perform such duties, and possess such powers and re-

Account of moneys expended.

Assessor, compensation of.

Other officers.

ceive such compensation as shall be prescribed by the board of trustees.

Commissions.

§ 19. Every officer appointed by the board of trustees shall receive a proper warrant or commission under the village seal.

§ 20. No member of the board of trustees shall be interested, either directly or indirectly, in any contract to which the village is a party.

Refusal to deliver to successor official papers, etc.

§ 21. If any person elected or appointed to any office under this act shall refuse, on request of the trustees, to deliver to his successor all property, books, papers and effects in his possession, or under his control, belonging to the village or appertaining to his office, he shall forfeit and pay to the use of said village the sum of twenty-five dollars, besides all damages caused by such refusal.

Plurality of votes to elect.

§ 22. At all elections of officers enumerated in this act, the persons having the greatest number of votes for each office, respectively, shall be deemed duly elected.

Meetings of trustees.

§ 23. The board of trustees shall hold stated meetings at such places and at times to be determined by them, and special meetings whenever called by the president or any two trustees, by notice to each member of the board, personally, or by leaving a written notice at his place of residence. A majority of the board shall constitute a quorum for the transaction of business.

Powers of board of trustees.

§ 24. The trustees shall have the management and control of the finances and all the property, real and personal, belonging to the said corporation, and shall have power within said village to make, establish, publish, modify, amend and repeal rules and regulations and by-laws for the following purposes:

To prevent vice.

1. To prevent vice and immorality; to preserve peace and good order; to prevent and quell riots and disorderly assemblages.

Gambling

2. To restrain and suppress disorderly and gaming-houses, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices within said village.

Exhibitions.

3. To prohibit, restrain and regulate all exhibitions of any natural or artificial curiosities, caravans of animals, theatrical and other shows and exhibitions, circuses or other performances for money, and to authorize the same on such terms as the trustees shall deem expedient.

Vagrants.

4. To restrain vagrants and punish disorderly persons, and prevent and punish drunkenness and disorderly conduct in all public streets and places, and all disorderly assemblies herein.

Horse racing.

5. To prevent horse racing or immoderate driving or riding in the streets of said village, and to authorize the stopping of any one who shall be guilty of immoderate riding or driving in said streets by any person.

6. To prevent obstructing or incumbering the streets or sidewalks.

Cattle running at large.

7. To restrain the running at large of cattle, horses, geese and swine, and to authorize the restraining and impounding and sale of the same for the penalty and costs of keeping and proceedings.

Pound.

8. To establish and regulate a public pound, and prescribe the duties of the pound master.

9. Concerning the duties of all officers appointed by the trustees.

Fire department.

10. To establish and organize a fire department, and to provide and regulate the management, use and protection of the engines, hose carts, hooks and ladders belonging to said village; to prescribe the powers and duties of the fire, hose, hook and ladder companies, and all members thereof, in every particular, and the members of which shall be always subject to removal by the trustees.

Duties of

11. To authorize and require the fire wardens to enter, at reasonable

Fire wardens. times, and examine all houses, stores, yards, shops or other buildings, to ascertain if they are in a dangerous state in regard to fires, and to direct and compel the owner or occupant to put the same in a safe condition, and, in default, to appoint any proper person to do the same at the expense of such owner or occupant.

Lock up. 12. To establish and provide a suitable lock-up for the use of said village, and prescribe the duties of those having it in charge.

Ordinances. 13. To make such other ordinances, by-laws and regulations not repugnant to the general laws of the State, as they shall deem expedient for the police and good government of the village.

Public health. 14. To preserve the public health, and, for such purpose, to establish a board of health, with such powers and duties as are or shall be provided by law.

15. To prohibit, restrain and regulate the burial of the dead within said village.

Police constables. 16. To appoint special police constables, not exceeding ten, on holidays and other occasions when there is an unusual gathering of people within said village.

Penalties. § 25. The board of trustees may enforce observance of all ordinances, by-laws, rules and general regulations which it is permitted to pass, in order to carry into effect the powers vested in it, by the imposition of penalties on the persons violating the same, not exceeding fifty dollars for one violation, to be recovered with costs in a civil action, in the corporate name of said village, in any court having cognizance thereof.

Publication of ordinances. § 26. Every ordinance or by-law imposing a penalty or forfeiture for its provisions shall, after the passage thereof, be published in the village paper, or in such other manner as the trustees shall direct, for at least two successive weeks before any person violating such ordinance shall become liable to a penalty therefor.

Actions to recover penalties. § 27. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws or police regulations made in pursuance thereof, shall be brought in the corporate name before the police justice, a justice of the peace residing in said village, or in any court having jurisdiction thereof; and when so brought may be commenced by warrant, providing for the arrest of the offender, which shall state the section of the act, or the ordinance by section, under which such penalty or forfeiture is claimed. If a recovery shall be had in any such action in any court, in favor of such corporation, it shall be with costs and disbursements allowed by law; and the execution to collect the judgment may contain a provision that, if the defendant have no goods or chattels whereof the payment can be collected, that he be imprisoned in the county jail of the county of Washington not to exceed thirty days. When any person shall be so committed under such process, the sheriff is required to keep and detain him as specified in such execution, and shall be liable to said trustees for any breach of official duty in regard thereto.

Executions against the person.

Competency of jurors, etc. § 28. No person shall be incompetent, either as a judge, justice of the peace, juror or witness, or constable or police justice or police constable, in any action or proceeding in which the village of Cambridge is a party, or is interested, by reason of his being an inhabitant or owner of real or personal estate therein, nor in any penalties, forfeitures or claims of any kind, direct or indirect, brought in the corporate name of the village, in any court having cognizance thereof.

Electors qualified, to vote on The tax payers whose names appear on the last assessment roll of the village after the first assessment shall be made, and for the pur-

pose of the first assessment to be made in pursuance of this act, the tax payers whose names appear on the last assessment rolls of the several towns in which said village is located, and who are at the time residents of the said village, at the annual meeting for the election of village officers, or at any special meeting duly called, specifying the object of said meeting, may, by the vote of a majority of the persons voting at such election, authorize the trustees to raise a sum by tax, not exceeding fifteen hundred dollars in any one year, over and above the highway tax, for making any improvements, and for contingent expenses in said village, which a majority of the said trustees shall deem proper and necessary; and the said trustees shall apportion the sum to be raised upon the taxable property of said village as the same shall appear from the assessment roll made by the assessor of said village in each and every year. The assessor shall make his assessment roll for said village in each and every year as the same shall appear from the last assessment rolls of the towns of Cambridge, White Creek and Jackson; provided that said assessor, when property shall be found upon said roll or rolls situate partly without said village and partly within, shall deduct from said assessment the just proportion for that part of the assessed property lying without the bounds of said village, as in his judgment shall be just and proper. And in case any building situate in said village shall be destroyed by fire or otherwise, or in case any building shall be erected or repaired in said village, or any real estate shall change owners after the completion of the assessment roll or rolls of said towns, and before completing the assessment roll of said village in each and every year, or in case any real estate or other property shall be omitted from the roll or rolls of said town assessors, then and in either case the said village assessor may deduct therefrom or add to his assessment rolls the proper names and valuation as in his judgment shall be just and equitable. He shall perform said duties and complete said rolls between the first Tuesday of April and the first day of May, in each and every year, and shall give six days' notice of the completion of said rolls, from said first day of May, to review said assessment, on the application of any person or persons claiming a reduction of their assessment; and shall deliver his rolls completed to the trustees of said village, on or before the first day of June in each and every year. In case any vacancy occurs in the office of assessor in said village, the trustees shall have power to fill the same.

questions of raising money by tax.

Assessment rolls.

Cases in which assessment may be increased or diminished.

Rolls, when to be completed, etc.

§ 30. The said trustees shall cause all moneys or taxes raised for highway purposes to be expended by the street commissioners, under the direction of said trustees, in working and improving the said sidewalks, roads, lanes, streets, alleys and foot bridges in said village, and paying for the services of said commissioners.

Highway moneys, how to be expended.

§ 31. The board of trustees shall have power to renew, from time to time, any warrant annexed to any tax or assessment roll authorized by said trustees, provided the time for collecting such taxes is not extended beyond the first day of December next after the date of said warrant.

Renewal of tax warrants.

§ 32. All tax or assessment rolls filed with the clerk or delivered to the collectors shall, in all courts and places, be evidence of the imposition of the taxes herein contained.

Assessment rolls to be evidence.

§ 33. The collector shall be vested with all the powers and be charged with all the duties of collectors of towns, not inconsistent with this act, and as shall be applicable to said village; he shall collect taxes for which the warrant of the trustees shall be delivered to him; for

Collector, powers and duties of.

which purpose he shall possess the same powers, proceed in the same manner, be entitled to the same compensation as collectors of towns, and pay over all moneys collected by him to the treasurer within the time limited in his warrant.

Action against sureties of.

§ 34. If said collector shall neglect or refuse to pay to the treasurer of the village any moneys by him collected, or shall be guilty of any default in the performance of his duties, the said board of trustees may cause an action to be brought against him and his sureties, in the corporate name of the village upon his official bond, in any court having cognizance thereof.

Exemption from jury duty.

§ 35. Every fireman in said village, while serving as such, shall be for the time being exempt one day on the road each year and from jury duty and military service. The evidence to entitle a fireman to the exemption provided in this section shall be a certificate under the corporate seal of said village, signed by the president and clerk of the village, dated within three months of the time of claiming such exemption.

Civil actions to recover tax.

§ 36. The board of trustees shall have power to collect by civil action any tax imposed pursuant to the provisions of this act, against any person or corporation which shall be returned by a collector as unpaid, with costs and twelve per centum interest.

Non-residents not to sell goods at public auction without license.

§ 37. It shall not be lawful for any person or persons, or the agent of any person or persons, to sell at public auction within the said village any goods, wares or merchandise, the owner of which shall be a non-resident of said village, or which wares or merchandise shall have been brought into said village by such non-resident, or his or their agent or agents, for the purpose of selling the same at public auction, without first procuring a license therefor, which shall be granted by the president, under regulations to be established by the board of trustees, and for which said board may fix the price, which shall not be less than thirty dollars for each day said sale shall continue, and shall be paid daily before the sale for each day shall have commenced.

Penalty for violation of sec. 37.

§ 38. Any person violating any of the provisions of the preceding section shall forfeit to said village one hundred dollars for each violation, to be sued for and recovered in the name of the village; provided, however, that nothing in this or in the preceding section shall apply to any officer of the county of Washington, or constable selling at public vendue any goods, wares or merchandise by him seized or taken on execution or other legal process, which it is his duty under any State law to sell at public auction or to any assignee or receiver appointed by any court or officer in proceedings at law, or under any State statute, when said goods, wares or merchandise at the time of the said assignment, shall be in the said village, or when the debtor, assignee or receiver shall be a resident of said village, at the time of the appointment of said assignee or receiver.

§ 39. This act shall take effect immediately.

CHAP. 403.

AN ACT to amend chapter two hundred and four of the laws of eighteen hundred and sixty-four, entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh."

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of title three of chapter two hundred and four of the laws of eighteen hundred and sixty-four, entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh," is hereby amended so as to read as follows:

Sec. 4, title 3, chap. 204, Laws of 1864, amended.

§ 4. The treasurer shall receive all moneys belonging to the village, and deposit the same, within twenty-four hours after their reception, in such bank or banks, banking-house or banking-houses, as may be designated for that purpose by the board of trustees, in his name as treasurer, and he shall account for all interest received by him on such deposits. He shall keep an accurate account of all receipts and expenditures in such manner as the trustees shall direct; and no payments shall be made by him, except upon warrants signed by the clerk and countersigned by the president, or upon warrants drawn by the police board, or the board of fire commissioners of said village; and no check on the bank or banking-house holding such deposits shall be drawn by the said treasurer, except to pay such warrants; and whenever required by the trustees, he shall prepare and submit to them such written statements of his receipts, expenditures and other matters relating thereto, as the trustees may desire; and he shall be allowed for his services as treasurer, in addition to the fees hereinafter provided, a sum not exceeding two hundred and fifty dollars per annum, to be fixed by the board of trustees and paid out of the treasury of the village.

Duty of treasurer.

Compensation.

§ 2. Section thirteen of title five of said act is hereby amended so as to read as follows:

§ 13. In all cases when there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought to pay every such assessment, and in all such cases the occupant or tenant paying any such assessment may sue for and recover the same, with interest and costs of suit, from the person or persons who ought to have paid the same. In case any assessment heretofore made or levied for a local improvement, or which shall hereafter be made or levied for such purpose, shall be or become in whole or in part void, illegal or erroneous for want of jurisdiction, or otherwise, on account of any irregularity or defect in the manner of levying or making the same, or on account of the same, or any part thereof, being declared void, illegal or erroneous by any order, judgment or decree of any court having jurisdiction thereof, the said trustees shall have the power, and it shall be their duty to cause the same, and the whole thereof, with interest, and all costs and expenses paid by the said village in levying the former assessment, and in suits in relation thereto, which the village may have been compelled to pay, to be re-levied or re-assessed as the case may be, in proper manner.

Owner to pay assessments.

If assessment is adjudged void, same to be re-assessed.

All the land affected by the former assessment to thereby become and be discharged from the lien of such former assessment, and in case any portion of such former assessment may have been paid, the trustees shall refund the amount thereof so paid, or allow the same in levying the new assessment, to the credit of the party or parties so paying.

§ 3. Section fifteen of said title five of said act is hereby amended so as to read as follows:

Proceedings in case of unpaid taxes and assessments; treasurer's fees, etc.

§ 15. Upon return being made of any unpaid taxes or assessments, the clerk of the village shall without delay make a copy thereof, and deliver the same to the village treasurer, who shall transcribe the same into a book to be kept by him for that purpose, and thereafter he may charge and receive for his own use five per centum fees of collection on such of said taxes as may be paid to him. The trustees may at any time thereafter cause a copy of so much of the tax or assessment roll as contains such unpaid taxes or assessments, or any part thereof, to be published in one or more of the newspapers of said village, once in each week for six weeks successively, with a notice that if the said taxes or assessments, with said five per centum fees for collection added, shall not be paid to the treasurer within the said six weeks, the lands upon which, or in respect to which they are imposed, will be sold at a time and place therein specified, at public auction, to the person who will take the same for the shortest period, and pay the taxes or assessments and fees of collection, and the expenses of such notice and sale. The treasurer shall have the right to charge for preparing the notice of sale, and for his services on such sale, and for making the certificates of sale in the next section mentioned, seventy-five cents on each parcel of land sold, to be included in said expenses. In case, however, any tax or assessment shall be paid after the notice of sale shall have been prepared, and before the sale, the treasurer may charge fifty cents on each parcel of land upon which such tax or assessment shall be so paid, in addition to the expense of advertising.

§ 4. Section sixteen of said title five of said act is hereby amended so as to read as follows:

Sale of lands to pay taxes and assessments.

§ 16. At the time and place specified in such notice, the said trustees may cause the said lands, or any part thereof, to be sold by the village treasurer, pursuant to such notice, and the treasurer shall thereupon make and execute two certificates of such sale, one of which he shall deliver to the purchaser, and file the other with the clerk of said village; but in case there are no other purchasers at such sale, it shall be the duty of the president of the village, or in his absence, any member of the board of trustees whom the president may designate, to purchase for the village all such property as may be offered for sale at such sale, and the same shall be paid for out of the moneys in the village treasury, raised to pay ordinary current expenses, known as the general fund. The certificate therefor shall be issued to the village of Lansingburgh, which said certificate may at any time, by direction of the board of trustees, be sold and assigned to any person who will pay the amount so paid therefor by said village, and interest from the time of such tax sale, at the rate of ten per centum per annum, and the money received therefor shall be placed to the credit of the general fund to reimburse the said fund for the money drawn therefrom. The purchaser or purchasers at such tax sale shall pay the amount of their respective bids to the said treasurer within forty-eight hours after the sale, and in case they or either of them neglect or refuse to pay their bids, the treasurer may execute his certificate of sale to such person as will take the same and

Bids, when to be paid.

pay the sum bid, or to the village of Lansingburgh. Within two years from the time of such sale the owner or owners of any lands so sold may redeem the same, by paying to said treasurer for the use of the purchaser the amount paid by him therefor, with interest at the rate of ten per centum per annum. Such redemption may also be made of any undivided part of any lands so sold, by the owner or owners thereof, on payment of a proportionate part of the moneys paid therefor by the purchaser on such sale, with interest as aforesaid. Redemption.

§ 5. Section seventeen of said title five of the said act is hereby amended so as to read as follows:

§ 17. If such real estate so sold for taxes or assessments, or any portion thereof, be not redeemed within the term of two years, the six months' notice provided for in the next section having been given, the said treasurer shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which shall invest in the grantee an absolute estate for the term of years mentioned in his certificate, subject to the lien of any tax or assessment levied or made by the village of Lansingburgh, and subject to all claims of the people of the State for taxes or other liens and incumbrances, and shall be prima facie evidence of the statements therein contained in any court in this State. When such conveyances are executed, the certificate of sale upon which said conveyances are made shall be returned to the village treasurer, who shall file said certificates in his office as vouchers for conveyances executed and delivered. It shall also be the duty of the treasurer in all cases of sale to make an entry of the same in the book containing the list of unpaid taxes and assessments, with the description of the property sold, the length of the term or time, and the name of the purchaser and amount paid, under what tax or assessment sold, and the date of deed and name of grantee, and also in case of redemption, date thereof, amount paid and name of party redeeming; which book shall be open for inspection at all reasonable times. The said treasurer shall be entitled to one dollar for preparing and executing such conveyance. And at the expiration of any such term it shall be lawful for such grantees to remove all buildings and materials erected or placed thereon by them, leaving the same properly fenced and inclosed. Conveyances, when to be executed by treasurer. Entry to be made by treasurer. Grantee may remove buildings, etc., at end of term.

§ 6. Section eighteen of said title five of said act is hereby amended so as to read as follows:

§ 18. At any time within six years after the return of the receiver of taxes of any unpaid taxes or assessments, an action may be brought and maintained to recover the same and interest, by and in the name of said village, in any court having cognizance thereof. No owner whose deed, or in case he holds such property by descent or devise, the deeds of his ancestor or devisor, shall have been duly recorded in the office of the clerk of Rensselaer county before the sale thereof, for any tax or assessment, and no mortgagee, lessee or assignee of either, whose mortgage, lease or assignment shall have been so recorded, shall be divested of his rights in such property by reason of such sale, unless six months' notice in writing of such sale shall have been given by the purchaser, or those claiming under him, to such owner, mortgagee, lessee, or assignee, personally if a resident of the village of Lansingburgh, or if such owner, mortgagee, lessee or assignee be not such resident, then by depositing such notice, with the postage thereon prepaid, in the post-office of said village, directed to such owner, mortgagee, lessee or assignee at his last known place of residence, or if his place of residence be not known or cannot after due diligence be ascer- Actions to recover taxes or assessments. Owners, mortgagees, etc., whose deeds, etc., have been recorded not to be divested of title or interest without notice.

tained, then such notice shall be directed as aforesaid to him at the place named in such deed, lease, mortgage or assignment, as his residence; and in all cases when service is made by mail as aforesaid, a copy of said notice must be personally served on the occupant of the premises, if any there be.

§ 7. Title five of said act is hereby further amended by adding thereto the following sections nineteen, twenty, twenty-one and twenty-two.

Affidavit of service of notice.

§ 19. Within one month after the service of such notice, it shall be the duty of the person serving, or causing the same to be served, to file in the office of the treasurer of said village a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken to be a creditable person, proving the due service of said notice.

Lands, how redeemed from sale.

§ 20. The owner, mortgagee or other person interested in such lands may at any time within two years after the sale thereof for any unpaid tax or assessment, and before the expiration of the notice mentioned in section eighteen of this title, redeem said lands by paying to the treasurer for the use of the purchaser thereof, or his assigns, the said purchase-money, together with any subsequent tax or assessment which the said purchaser may have paid, chargeable on said land, and which he is hereby authorized to pay, provided a notice of such payment shall have been filed in the office of said treasurer, with interest at the rate of ten per centum per annum in addition thereto, and also two dollars for each notice given to any owner, mortgagee or lessee of a longer term than three years, provided due proof of such service shall have been filed in said office. The certificate of such treasurer, acknowledging the payment and showing what land, and on account of what tax or assessment, such payment is intended to redeem shall be evidence of such redemption. Such redemption shall discharge the land described in said certificate from the lien created by the tax or assessment in respect of which such sale shall have been made.

Money to be refunded to purchaser.

§ 21. Upon the receipt of such moneys by said treasurer, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, and all proceedings in relation to said sale shall cease; but if said moneys shall not be paid according to the exigency of said notice, said treasurer shall proceed to execute a conveyance of the property so sold, as hereinbefore provided.

In case of idiots, etc.

§ 22. Whenever said treasurer shall receive satisfactory information that the land so sold belongs to an idiot or insane person, for whose estate no committee shall have been appointed, or to an infant having no guardian, he shall not execute a conveyance of their lands, until at least six months after he shall have legal evidence that such disability has been removed, or a committee or guardian of the real estate has been appointed. And until the expiration of six months, such committee or guardian may redeem such lands in the manner hereinbefore provided.

Not to affect sales heretofore made, etc.

§ 8. Nothing herein contained shall affect any tax sale heretofore made, or the rights of any party thereunder, nor be construed as in any way increasing the fees, percentages or allowances of the present incumbent of the office of village treasurer, during the term for which he was elected.

§ 9. This act shall take effect immediately.

CHAP. 404.

AN ACT to legalize the action of the town meeting of the town of Dekalb, in St. Lawrence county, held February tenth, eighteen hundred and eighty, and the action of the board of town auditors of said town of Dekalb, had February nineteenth, eighteen hundred and eighty, in issuing a certificate of indebtedness of said town to Andrew Wight and Agnes Wight, for damage sustained by the falling of a bridge in said town, pursuant to a resolution passed at said town meeting.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The action of the town meeting of the town of Dekalb, in St. Lawrence county, held February tenth, eighteen hundred and eighty, in regard to damages sustained by Andrew Wight and Agnes Wight, by the falling of a bridge in the highway across the Oswegatchie river, in said town, and the action of the board of town auditors in said town in issuing a certificate of indebtedness to Andrew Wight and Agnes Wight, pursuant to a resolution passed at said town meeting, for damages sustained by the falling of said bridge, is legalized and confirmed, and said certificate of indebtedness issued by said town officers is hereby made a legal charge against said town, to be assessed and collected as other town charges are assessed and collected. Action of town meeting legalized.

§ 2. This act shall take effect immediately.

CHAP. 405.

AN ACT to amend chapter two hundred and seventeen of the laws of eighteen hundred and sixty-five, entitled "An act to establish the office of receiver of taxes and assessments in the town of East Chester, in the county of Westchester, New York.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and seventeen of the laws of eighteen hundred and sixty-five, entitled "An act to establish the office of receiver of taxes and assessments in the town of East Chester, in the county of Westchester, New York," is hereby amended so as to read as follows: Sec. 1, ch. 217, Laws of 1865, amended.

§ 1. The office of receiver of taxes and assessments is hereby created in and for the town of East Chester, to receive and collect all taxes and assessments hereafter to be assessed and collected in said town, or in any of the school districts thereof; the term of office of the receiver of taxes and assessments in said town, except as herein otherwise provided, shall be two years; the term of office of the Office of receiver of taxes created.

receiver of taxes and assessments elected at the last annual town meeting in said town shall commence on the first day of May, eighteen hundred and eighty, and expire on the first day of May, eighteen hundred and eighty-two; the term of office of the receiver of taxes and assessments next elected in said town shall commence on the first day of May, eighteen hundred and eighty-two, and expire on the first day of July, eighteen hundred and eighty-four; and the term of office of every receiver of taxes and assessments thereafter elected in said town shall commence on the first day of July succeeding the annual town meeting held in and for said town, at which meeting said receiver of taxes and assessments shall be elected, and continue for two years.

§ 2. Section two of said act is hereby amended so as to read as follows.

Election of.

§ 2. The receiver of taxes and assessments in and for said town shall be elected at each alternate town meeting, except when a vacancy shall occur, when he shall be elected at the next annual town meeting succeeding such vacancy; provided, however, that the supervisor of the town of East Chester shall appoint a person to discharge the duties of the office during such vacancy, and until another shall be, or shall have been, duly elected as above provided, and shall have qualified, and until his term of office shall begin. The said receiver of taxes shall be elected by the electors of the town of East Chester, and shall be voted for in the same manner as other town officers are elected and voted for in said town; and the inspectors of election shall make return of the votes given for said office in the same manner as is now provided by law for the election of other town officers.

§ 3. Section three of said act is hereby amended so as to read as follows:

Official bond.

§ 3. The said receiver of taxes shall, within fifteen days after he shall have received his certificate of election, and before entering upon the duties of his office, take and subscribe, and file with the county clerk of Westchester county, the usual oath of office, and on or before the first day of December in each and every year, give a bond to the supervisor of the town of East Chester, to be executed by himself and at least two freeholders of said town, in the penal sum of sixty thousand dollars, which said bond shall be conditioned for the faithful performance of the duties of his said office; said bond to be delivered to the supervisor of said town, and to be approved by him, and to be filed by him in the office of the clerk of said county, before the said receiver of taxes shall enter upon the duties of collecting any such taxes and assessments. The said bond, when filed, shall be a lien upon the real estate of said receiver and his sureties; and all laws and provisions of law relating to the enforcement of penalties against collectors of towns shall apply to such receiver of taxes and his sureties. All of the sureties on said bond must be freeholders in said county. The failure or neglect of the said receiver of taxes to deliver a bond to the supervisor of the town of East Chester, which bond must be satisfactory to said supervisor, on or before the first day of December in each and every year, shall be deemed and taken as a refusal to serve, and the office shall thereupon become vacant.

§ 4. Section four of said act is hereby amended so as to read as follows:

Office for receipt of taxes. Office hours.

§ 4. The said receiver of taxes and assessments shall have an office for the receipt of taxes and assessments in some suitable place in said town, designated by the supervisor thereof. Said office shall be kept open on each day of the week (Sundays and public holidays excepted)

from nine o'clock in the morning until three o'clock in the afternoon, for three calendar months from and after the time of the delivery to the said receiver of the several tax and assessment rolls of said town and school districts, during which time the said receiver of taxes and assessments is hereby authorized and empowered to receive such taxes and assessments.

§ 5. Section five of said act is hereby amended so as to read as follows:

§ 5. It shall be the duty of the said receiver of taxes to personally receive all taxes and assessments which he may by law be authorized to receive, and to keep the assessment rolls delivered to him by the supervisor or other officers, in said office. He shall, at least once in each month, render to the supervisor of said town a statement, under oath, of the amounts received by him, and shall pay over the same to the proper officers entitled to receive them; and the said supervisor shall cause the said statements to be printed forthwith in one or more newspapers published in said town. All books in the hands of said receiver of taxes shall be public records, and open during office hours to the inspection and examination of the public. The said receiver shall enter daily in a book all taxes and assessments received or collected by him, stating from whom such sums were received or collected, and the amount of each tax and assessment so received or collected, and also the amount of fees received or collected by him from each person. Said books shall be the property of the town, and shall be delivered by the said receiver, together with the town assessment roll, to the supervisor of the town of East Chester, at the time prescribed hereinafter, for the delivery to the said supervisor of the return of unpaid taxes and assessments. He shall deposit each day, in a bank or banking house, to be designated by the supervisor of the town of East Chester, all taxes, assessments and fees received or collected by him on that day. A certificate of deposit or other receipt from such bank or banking house shall be a sufficient voucher to such receiver of taxes for the moneys stated in the said certificate or receipt, and left on deposit in said bank or banking house by him.

Duty to personally receive taxes.

Monthly statement.

Books, etc., public records.

Money to be deposited daily in bank.

§ 6. Section seven of said act is hereby amended so as to read as follows:

§ 7. After the expiration of sixty days from the delivery of said tax and assessment rolls to said receiver, the taxes and assessments remaining unpaid shall be collected from the several persons and corporations from whom they are respectively due, and shall be collected in the manner following, to wit: the said receiver shall issue his warrant to the sheriff of the county, or any constable of said town, and the said sheriff or constable shall thereupon forthwith proceed to collect the same by distress, in the same manner as collectors of town taxes are now authorized by law to do, and the taxes or assessments so collected shall be paid by said sheriff or constable to said receiver immediately thereafter. The sheriff or constables in such cases shall be entitled to receive the same fees as now allowed by law to them in a levy and sale under execution for the collection of a judgment for debt, such fees to be collected by the said officer or officers in addition to the amount of taxes or assessments. Before any warrant shall be issued by any receiver of taxes and assessments, under and by virtue of this act, to any constable of said town, such constable shall give to such receiver of taxes and assessments a bond in the penal sum double the amount of all the taxes and assessments said constable is authorized to collect, which bond shall be executed by said constable and at least two free-

Taxes, not paid in sixty days, to be collected.

How collected.

Constable to give bond.

holders of said town, shall be conditioned for the faithful performance of his duties in the collection of such taxes and assessments, and shall be approved by said receiver, if the same be deemed satisfactory by him.

§ 7. Section ten of said act is hereby amended so as to read as follows:

Tax warrants to be issued to receiver of taxes.

§ 10. It shall be the duty of the board of supervisors of said county, and the officers of the several school districts in said town, to issue their warrants to said receiver of taxes in the same manner as warrants are now required by law to be issued to town collectors; and the said receiver of taxes is hereby directed and required, on or before the first day of June in each and every year, to pay over to the treasurer of said county all moneys remaining in his hands payable to said treasurer, and before the first day of July in each and every year, to pay over to the supervisor of said town, and all other persons entitled to receive the same, all moneys remaining in his hands, payable to said supervisor and other persons aforesaid, and to make just and proper returns of all taxes and assessments remaining uncollected in said town, in the same manner as now required by law; and the treasurer of said county, upon receiving such moneys, the making of such returns and the certificates of the officers of the several school districts in said town and of the supervisor thereof, that the said receiver has paid the several town officers and school district treasurers the moneys they were entitled to receive, shall cancel and discharge the bonds of said receiver, and deliver to him a certificate thereof, which certificate, upon being filed with the county clerk, shall be a full release and discharge of said receiver and his sureties.

§ 8. This act shall take effect immediately.

CHAP. 406.

AN ACT to incorporate the Grand Council of Royal Templars of Temperance of the State of New York, and to provide for the organization of select councils.

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Joseph W. Grosvenor, Linus S. Freeman, William H. Freshour, Edwin H. Abbott, James W. Green, William D. Lewis, Edwin Elmore, Simon P. Green, George W. Dowe, and all persons who are now or may hereafter become associated with them or their successors, are hereby constituted and created a body politic and corporate by the name and title of "The Grand Council Royal Templars of Temperance of the State of New York," and as such shall have perpetual succession, and shall be capable of suing and being sued in all courts of record and elsewhere, and of taking, holding, purchasing, granting and conveying real, personal and mixed property for the use and benefit of said grand council, to an amount not exceeding one hundred and fifty thousand dollars; to have and to use a common seal, and alter the same at pleasure, and shall also have power to provide and establish such rules, by-laws and regulations for the government of select councils as the grand council may deem wise, not in

Name and powers.

conflict with the laws of this State, or with the laws of the United States.

Objects.

§ 2. The objects of said corporation shall be to improve the morals, mental and social condition of the members of the councils under its jurisdiction; to prevent intemperance among all classes, and to save from the evil effects of intemperance those already addicted to the use of intoxicating beverages, and to aid and assist members and their families in case of want, sickness or death.

Further corporate powers.

§ 3. It shall be lawful for the corporation to create, hold, manage and disburse a beneficiary fund sufficient to pay all losses and expenses incident to the corporation for the relief of members (and their families) of the councils under the jurisdiction of the grand council of the State of New York, under such regulations as may be adopted, not in conflict with the rules and regulations of the supreme council or laws of this State, or with the laws of the United States, provided that such fund so created and held shall not at any time exceed the sum of thirty thousand dollars.

Beneficiary fund.

§ 4. Such beneficiary fund as may be ordained suitable by said corporation, not exceeding at any time thirty thousand dollars, may be set apart and provided to be paid over to the families, heirs or representatives of deceased members, or to such person or persons as such deceased members may, while living, have directed, subject to the rules of said council, and to disabled members, also subject to said rules; and the collecting, management and disbursement of the same, as well as the person or persons to whom, and the manner and time in which the same shall be paid on the death or disablement of a member, shall be regulated and controlled by the rules and by-laws of said grand council; and such beneficiary fund, so provided and paid, shall be exempt from execution, and shall not be liable to be seized, taken or appropriated by any legal or equitable process to pay any debt of such diseased or disabled member.

By-laws, etc.

§ 5. The said corporation shall have power to make, from time to time, such by-laws, rules and regulations as they shall judge proper for the election of officers, or prescribing their functions and the mode of discharging the same; for the admission of new members into select councils, and the government and regulation of such select councils; for regulating and fixing the amount and time of payment of all fees, dues and funds of such corporation and the select councils under its jurisdiction; for arrangements of all of the affairs of said corporation, and for suspending, fining and expelling all such officers or members of select councils under its jurisdiction as shall neglect or refuse to comply with any such by-laws, rules or regulations.

§ 6. This act shall take effect immediately.

CHAP. 407.

AN ACT to legalize and confirm the action of the board of supervisors of the county of Ulster in the division of the town of Kingston, in said county, by erecting the town of Ulster therefrom, and attaching a portion thereof to the town of Woodstock, in said county.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action of board of supervisors legalized.

SECTION 1. An act entitled "An act to divide the town of Kingston, in the county of Ulster, and erect therefrom the town of Ulster and attach a part thereof to the town of Woodstock, in said county," passed by the board of supervisors of the county of Ulster at their annual meeting, the twenty-eighth day of November, in the year one thousand eight hundred and seventy-nine, two-thirds of all the members of said board voting in favor thereof, under and in pursuance of chapter three hundred and nineteen of the laws of eighteen hundred and seventy-two, is hereby, together with all the provisions thereof, in all respects legalized, and confirmed, and the action of the board of supervisors in the passage of said act hereby legalized and declared valid.

§ 2. This act shall take effect immediately.

CHAP. 408.

AN ACT to amend chapter seven hundred and seventy-four of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the fire department of the village of Watkins."

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 3, ch. 774, Laws of 1872, amended.

SECTION 1. Section three of chapter seven hundred and seventy-four of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the fire department of the village of Watkins," is hereby amended so as to read as follows:

Trustees of fire department, appointment of, etc.

§ 3. The board of trustees of said village shall, on or before the first Tuesday of June next, and annually thereafter, appoint one person from the members of each of said companies, respectively, and shall at the same time appoint two of their own body, and the persons thus appointed shall thereafter form said board of trustees, and hold such offices for the term of one year, or until their successors are appointed. And said board shall, on the second Tuesday in June next, and annually thereafter, choose out of their own body, by ballot, a president, secretary and treasurer; the secretary and treasurer to be, respectively, secretary and treasurer of the department. The said companies shall, on the second Tuesday in August in each year, hold an election, and thereat elect a chief engineer, first assistant engineer,

Election of officers.

and second assistant engineer. The said elections shall be held by each company separately, and at their respective engine-houses (unless it shall be necessary to hold the same at different places, in which case the same shall be held at such places as the said board shall direct), and make returns of each election to the board of trustees aforesaid, and said board shall meet within three days after such election, and examine into and decide the result thereof. And the said board shall, by their president or otherwise, as the board shall direct, make known to the trustees of the village aforesaid, the result of each election for the offices of chief and assistant engineers, within three days after the same shall be decided by them. And all the officers so elected as aforesaid shall hold their respective offices until the next election, or their successors shall be chosen as aforesaid.

CHAP. 409.

AN ACT to incorporate Alert Hose Company, number three, of Medina, New York.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Charles H. Hedley, Henry A. Fairman, George R. McDonald, Frank Frary, John Bland, junior, Fred. J. Gates, Fred. M. Ives, Morgan L. Brainard, George A. Newell, J. Ruggles Weld, junior, William B. Reynolds, William H. Howland, Leroy D. Robinson, William R. James, Edward Posson, Byron A. Davy, Edward H. Davy, Simon F. Servoss, Jacob Gorton, William Kinmont, Oscar C. Eleson, Myron S. Newell, Franklin Noble, Will. A. Wood and Firm D. Spear, and their successors, are hereby constituted a body corporate, by the name and title of "Alert Hose Company, number three, of the village of Medina," and by that name they and their successors may and shall have perpetual succession, and shall be capable, in law, of purchasing, holding and conveying any estate, real and personal, necessary for their use as a fire company, not exceeding the amount of ten thousand dollars; they shall also, by their corporate name as aforesaid, be capable in law of suing and being sued, of answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever. The members of said company shall be members of the fire department of the village of Medina, and said company shall be subject to the rules and regulations now or hereafter established by said fire department.

Corporators.

Name and powers.

Members of fire department.

§ 2. The said corporation shall have full power and authority to make and establish such constitution, by-laws, rules and regulations, from time to time, as they shall think proper, for all the purposes, objects and government of the corporation; the time, place and manner of electing officers, the period of their continuation in office, their removal from office, their powers and duties; the election of members and their removal or suspension; for the regulation and payment of fees, penalties and dues; for the management of its funds and property, and from time to time to alter, modify or repeal such constitu-

By-laws, etc.

tion, by-laws, rules and regulations; also, to adopt and use a common seal and to alter or amend the same at pleasure.

Business to be under control of board of trustees.

§ 3. The business, property and affairs of the said corporation shall be under the general control and management of a board of trustees, and the said corporation shall, in and by their said constitution, prescribe the powers and duties of such board of trustees, the number thereof, and the time and place and manner of their election, and the rules and regulations for the action of the said board of trustees.

Power to appoint firemen.

§ 4. The said corporation shall have full power to nominate and elect or appoint a sufficient number of firemen, not exceeding fifty, who shall, by virtue of such election or appointment, become members of the said corporation, who shall, with the members of the said corporation hereinbefore named, have the care and management of all the engines, hose carriages, hose and other implements and fire apparatus belonging to them or in their charge, and who shall be ready at all times to assist in extinguishing fires, and to perform all the duties that may be required of them by the by-laws and regulations of the said corporation.

Exemptions.

§ 5. Each member of the said corporation, including the firemen so elected or appointed as aforesaid, who shall serve as such firemen for five years, including the time that they or either of them may have served as a fireman of Alert Hose Company of Medina, previous to this act of incorporation, shall be entitled to all exemptions now secured to firemen by existing laws, and a certificate, signed by the president and secretary of the said company, and under the seal of the said corporation, shall be conclusive evidence in all cases that the person therein named is or has been a member of the said company for the period therein stated.

§ 6. The corporation shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, so far as the same are applicable.

§ 7. The location of the said corporation shall be the village of Medina.

§ 8. This act shall take effect immediately.

CHAP. 410.

AN ACT to release the interest of the people of this State in certain real estate of which Paul Pontau, late of the city of Brooklyn, county of Kings, died seized, to Nannette Johnson.

PASSED May 26, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of State released.

SECTION 1. All the right, title, interest and equity of redemption, which upon the death of Nannette Johnson, widow of Paul Pontau, would be acquired by escheat by the people of this State, in and to all that certain real estate in the city of Brooklyn, described in a certain deed of conveyance bearing date the twenty-eighth day of April, eighteen hundred and fifty-four, and recorded in the office of the register of the county of Kings, in book three hundred and sixty of conveyances, page three hundred and seventy-one, executed by George B. Mead and

Halsey R. Mead and Eliza, his wife, to Paul Pontau, are hereby released and conveyed to Nannette Johnson, wife of James D. Johnson, and to her heirs and assigns.

§ 2. Nothing in this act shall impair, affect, release or discharge any right, title, or interest of any heir at law, devisee, legatee, mortgagee, grantee or creditor of Paul Pontau, or of Anthony Henry Pontau, or of Edward Pontau, all late of the city of Brooklyn, deceased. Not to impair vested rights.

§ 3. This act shall take effect immediately.

CHAP. 411.

AN ACT to incorporate the St. Joseph's Cemetery in the city of Auburn

PASSED May 26, 1869; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Right Reverend Bernard J. McQuade, Reverend William Mulheron, Reverend Constantine Ulrich, Reverend William Seymour, Patrick Regan, James L. McGarr, Daniel Tehan, Michael H. Hogan, William Klinkerst, Frank Kaufmann, Nicholas Kaufman, John Lawlor, John Kinsella, Joseph Anderson and Michael Madden, and such other persons as may hereafter associate by the name of the "St. Joseph's Cemetery," are hereby constituted a body corporate under that name as hereinafter provided, with power to take, hold and convey real and personal estate to the use of said corporation, not exceeding two hundred acres of land and fifty thousand dollars of personal estate, together with such as may grow out of the sale of lots. Corporators. Name and powers.

§ 2. The said corporators shall constitute the board of trustees, who shall elect from their number a president, secretary and treasurer, seven of which trustees shall constitute a quorum for the transaction of business. In case of death, resignation or removal from the State of any of said trustees, the survivors or remainder shall fill the vacancy or vacancies thus occasioned. Board of trustees.

§ 3. The said corporation may acquire and hold such land within the county of Cayuga, and within five miles of the city of Auburn, not exceeding two hundred acres, as they may select, for the exclusive use of a cemetery or place for the burial of the dead, and may give the same the name of the "St. Joseph's Cemetery," and for this purpose such parts of the said land as may from time to time be required for that purpose, and shall be surveyed and subdivided into lots or plats of convenient size, with such walks, paths and avenues as the said trustees, or a majority of them, shall direct, and a map of the said survey, containing the name designated as aforesaid, shall be filed in the clerk's office of the county of Cayuga. When the said map shall be filed, the said trustees may sell and convey such plats or lots on such terms and at such prices as they shall agree on, which conveyance shall be made under the seal of said corporation and signed by the president and secretary thereof; but all moneys obtained for such sales shall be applied by the said trustees to the payment of the purchase-money of the land acquired by the said corporation, and to improving and embellishing the same as a cemetery, and the excess, if any, shall be invested as a permanent fund for the maintenance of said cemetery. Lands for cemetery purposes. Sale of lots.

Power to take and hold property by gift or grant for cemetery purposes.

§ 4. It shall and may be lawful for the said corporation also to take and hold any grant, donation or bequest of property, real or personal, upon trust, subject to all the provisions of law relative to devises and bequests by last will and testament, to apply the income thereof, under the direction of the trustees aforesaid, for the improvement or embellishment of the said cemetery, or of any buildings, structures or fences erected or to be erected upon the lands of the said corporation, or for the repairs, preservation or renewal of any tomb, monument, gravestone or other erection in any cemetery lot, or for planting and cultivating of trees, shrubs, flowers or plants in or around any cemetery lot according to the terms of such grant, donation or bequest, and the supreme court, or any court having equity jurisdiction, shall have full power and jurisdiction to compel the due performance of the said trusts, or of any of them, upon complaint made by a proprietor or proprietors of any lot or lots in the said cemetery for that purpose.

Lots to be indivisible.

§ 5. The said plat or lots when conveyed by said corporation to individual proprietors shall be indivisible, but may be held and owned in undivided shares. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone or other structure placed in the cemetery aforesaid, or any other work for the protection or ornament of the said cemetery, or of any tomb, monument or gravestone or other structure aforesaid, or of any cemetery lot within the cemetery aforesaid, or shall willfully destroy, cut, break or injure any tree, shrub or plant within the limits of said cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace or other court of competent jurisdiction within the county of Cayuga, be punished by a fine not less than five nor more than one thousand dollars, according to the nature and aggravation of the offense, or by imprisonment not less than one month nor more than three years, and such offender shall also be liable, in an action of trespass to be brought against him in any court of competent jurisdiction in the name of the said corporation, to pay all such damages as shall have been occasioned by his unlawful act or acts, which money when recovered shall be applied by said corporation, under the direction of the board of trustees, to the reparation and restoration of the property destroyed or injured as above. The members of the said corporation shall be competent witnesses in such suits.

Injuries to tombs, etc., prohibited.

Penalty.

Action may be maintained for the trustees.

Exempt from taxes.

§ 6. The said cemetery shall be and hereby is declared exempted from all public taxes, rates or assessments, and shall not be liable to be sold on execution, or to be applied in payment of debts due from any individual proprietor or proprietors, but they and their heirs or devisees may forever hold the same entirely and totally exempted therefrom, so long as the same shall remain dedicated to the purpose of a cemetery; and during which time no street, road or avenue shall be laid through the said cemetery or any part of the lands held by the said corporation for the purpose aforesaid, without the consent of the said corporation first had and obtained, except by special permission of the legislature of this State.

General powers.

§ 7. The said corporation shall possess the general powers and be subject to the liabilities and provisions contained in title third of chapter eighteen, first part of the Revised Statutes.

Visitors subject to police regulations.

§ 8. All persons visiting, for any purpose, the lands held for use as a cemetery by the corporation created under and by virtue of this act, shall, during their stay upon or about said lands, be subject to and

governed by the police regulations and city ordinances of the city of Auburn; and the lands so held for use as a cemetery shall, for the purposes of this section, be considered a part of said city of Auburn

§ 9. This act shall take effect immediately.

CHAP. 412.

AN ACT to amend chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, entitled "An act to incorporate the village of Mohawk."

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision seventeen of section seventeen of chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, entitled "An act to incorporate the village of Mohawk," is hereby amended so as to read as follows:

Sub. 17, sec. 17, ch. 157, Laws of 1844, amended.

17. To hold in the name of said village the title to lands now held by said village within the present cemetery, for a public cemetery for the use of the said village and vicinity. It shall be the duty of the clerk of the said board of trustees, and his successor in office, to keep in a book to be provided for that purpose by the said trustees, minutes of the proceedings of said board in relation to the management and affairs of said cemetery, which shall be a separate book from the book in which may be kept the minutes of the general transactions of said board; and also to record the name of each lot owner, together with the number of the lot owned by such lot owner. It shall be the duty of the treasurer of said board of trustees to give to the president of said village a bond, with sureties to be approved by said president, in the penalty of not less than five hundred dollars, for the faithful performance of his duty in regard to said cemetery, and for the faithful accounting for and paying over to his successor in office, all moneys which shall come to his hands from said cemetery. And it shall be the duty of said treasurer, in the name of the village of Mohawk, to collect all moneys for cemetery lots sold, and all assessments duly made by said trustees on owners of ~~lots~~ or persons having the care and control thereof, for the purpose of paying the expense of fencing said cemetery, or keeping such fences in repair, and for sidewalk adjacent thereto, and for improving and taking care of said cemetery, and the walks, roadways and alleys therein, and for the construction of necessary vaults, and such other expenses as may be deemed necessary by said trustees, and the said trustees shall have the power to assess the owners of lots or persons having the care and control thereof for the purposes aforesaid, but such assessment shall in no case exceed one dollar per lot per year. And if such assessments are not paid within sixty days after such persons shall have been notified in writing of such assessments, it shall be the duty of such treasurer, in the name of said village, to sue for and collect the same in any court having jurisdiction, and to enforce the collection of any judgment obtained therefor by execution against the property of any such person; and if the same cannot be collected by such means, then said trustees shall have the power to sell and convey any portion of any lot upon which such

Lands for cemetery.

Record of proceedings as to management of cemetery.

Of owners of lots.

Treasurer's bond.

Treasurer to collect moneys for lots sold, etc.

When treasurer to sue for same.

assessment shall have been levied and not paid, or any portion of such lot not actually occupied by interment, for the purpose of paying such assessment. The board of trustees shall provide for the payment of any debt that has been created and now remains unpaid for any lands heretofore legally purchased for such cemetery purposes, by issuing the bonds or notes of said village payable with interest at some future time, not to exceed ten years from the date thereof, and not to exceed in amount twenty-five hundred dollars; the same to be payable at said village of Mohawk. The clerk of said board shall keep in the book aforesaid a just and true account of the amount of any such indebtedness, together with an accurate record of all such notes or bonds given, stating the amount of each and the dates when they severally fall due. All money received from the sale of any such cemetery lots shall be kept as a fund to provide for the payment of such indebtedness, and shall not be used for any other purpose until all such indebtedness shall have been paid; but if such lots should not prove to be adequate for the payment of such indebtedness, or cannot be sold so as to meet such indebtedness as it shall fall due, then, in that case, the said trustees shall have power to raise by levy and tax upon all the taxable property in said village, in the same way and manner other village taxes are raised and levied, a sum sufficient to pay such deficiency. The said trustees shall fix the price at which they will sell any lot or lots, and the expense of grading the same shall be paid by the purchaser, and the said clerk shall, in the name of said village, execute and deliver deeds of lots so sold. The said trustees shall have the entire management and control of said cemetery, and may make such legal and reasonable by-laws for the protection and care of such lots, fences, vaults, and the trees, shubbery and flowers thereon as they shall deem proper, and to enforce such by-laws as other by-laws of said village are enforced. All the money now in the hands of the present treasurer of the board of cemetery trustees in said village belonging to said village shall be immediately paid over to the treasurer of the village of Mohawk; and all the books, records, maps and papers, pertaining to said cemetery shall be immediately delivered by said board of cemetery trustees to the clerk of the village of Mohawk.

Payment of debt against the cemetery.

Clerk to keep account of indebtedness.

Fund for payment of.

Price of lots.

Control of cemetery.

§ 2. Chapter five hundred and twenty-seven of the laws of eighteen hundred and sixty-nine is hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 413.

AN ACT to amend chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-one, entitled "An act authorizing the trustees of the village of College Point to issue bonds and borrow money for the erection of a school-house in said village, and to increase the school tax in said village."

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 4, ch. 449, Laws of 1871, amended.

SECTION 1. Section four of chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-one, entitled "An act

authorizing the trustees of the village of College Point to issue bonds and borrow money for the erection of a school-house in said village, and to increase the school tax in said village," is hereby amended so as to read as follows:

Increase of annual tax allowed.

§ 4. The trustees of said village are hereby authorized to increase the annual tax for school purposes in said village from one-half of one per centum, now allowed by law, to an amount not exceeding three-quarters of one per centum, for the year eighteen hundred and eighty, and annually thereafter.

Trustees not to act till approved by majority vote of electors at special election.

§ 2. The trustees of the said village of College Point shall take no steps in pursuance hereof until the same shall be approved by a majority of the voters of said village, voting at a special election, to be called by the trustees of said village, by giving at least twenty days' notice before such election, by posting notices in at least six public places in said village, and by publishing the same in all of the newspapers published in the town of Flushing, for two weeks. The said election shall be held from the hour of one o'clock in the afternoon until sundown, during all of which time the poll shall be open and conducted in all respects as now provided by law. The justices of the peace of said town, or any two or more of them, shall act as inspectors of said election, and shall canvass the votes cast, and file a certificate of the result of said election with the county clerk of Queens county. The ballots to be received at said election shall contain the words "In favor of increasing the annual school tax," or "Against increasing the annual school tax." If a majority of the ballots cast contain the first named words, the approval required by this section shall be considered as given.

Election, when to be held.

Ballots.

§ 3. This act shall take effect immediately.

CHAP. 414.

AN ACT to reduce the width of Riker avenue, in Long Island City, in the county of Queens, from one hundred and thirty feet to eighty feet.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Part of avenue discontinued.

SECTION 1. All that part of Riker avenue lying south-westerly of a line drawn eighty feet southerly from and always parallel with the north-easterly line of said Riker avenue as the same is laid down on the map or plan of Long Island City, being a strip of land fifty feet in width, beginning at the East river and running to the easterly line of Long Island City, at or near Bowery bay, is hereby discontinued upon said map or plan.

Width.

§ 2. The said Riker avenue shall hereafter be eighty feet in width; the north-easterly line thereof shall remain unchanged, and the south-westerly line thereof shall be distant eighty feet south-westerly from and always parallel with the north-easterly line thereof.

§ 3. This act shall take effect immediately.

CHAP. 415.

AN ACT in relation to street railroads.

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Street railroad by a two-third vote may decide to and may extend road over Hudson river.

SECTION 1. Any street railroad now in operation in this State, which shall, by a two-thirds vote of its directors, decide to extend the route of such road, so as to cross the Hudson river over and by any bridge now or hereafter constructed under the provisions of any law of this State, may so extend their route over and across such bridge upon such terms as may be mutually agreed upon between such railroad and bridge company, and may locate the terminus of their road in the county adjoining the one in which their road is now located and in operation, provided they shall first obtain the consent of such bridge company or its lessees, and shall obtain the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the general term of the supreme court, in the district in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

Proviso.

Not to apply to any road in Kings or N. Y. counties.

§ 2. This act shall not affect any street railroad now or hereafter constructed in either the counties of New York or Kings.

§ 3. This act shall take effect immediately.

CHAP. 416.

AN ACT to amend title three, chapter three, part four of the Revised Statutes, entitled "General provisions applicable to all the prisons treated of in this chapter."

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 197 of title 3, chap. 3, part 4 of the Revised Statutes, amended.

SECTION 1. Section one hundred and ninety-seven of title three, chapter three, part four of the Revised Statutes, entitled "General provisions applicable to all the prisons treated of in this chapter," is hereby amended so as to read as follows:

When writ of habeas corpus to bring up prisoner to testify, to be granted.

§ 197. Whenever any convict confined in any county or State prison shall be considered an important witness in behalf of the people in this State upon any criminal prosecution against any other convict, or against any person indicted for a felony, by the district attorney prosecuting the same, it shall be the duty of any justice of the supreme court, in his discretion, upon the affidavit of such district attorney, to grant a habeas corpus for the purpose of bringing such person before the proper court to testify on such prosecution.

§ 2. Section one hundred and ninety-eight of said title is hereby amended so as to read as follows: Sec 198, amended.

§ 198. Such convict may be examined on such trial and shall be considered a competent witness against any fellow-prisoner (or person indicted for a felony) for any offense actually committed whilst in prison, and whilst the witness so offered shall have been confined in the prison in which such offense shall have been committed, or for any offense committed prior to the confinement of such witness. Convict a competent witness against fellow prisoner.

§ 3. This act shall take effect immediately.

CHAP. 417.

AN ACT to amend chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act further to provide for the construction and operation of a steam railway or railways in the counties of the State."

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act further to provide for the construction and operation of a steam railway or railways in the counties of the State," is hereby amended so as to read as follows: Sec. 4, ch. 606, Laws of 1875, amended.

§ 4. Said commissioners shall, within thirty days after such organization, determine upon the necessity of such steam railway or railways, and if they find such railway or railways to be necessary in such county, they shall, within sixty days after such organization, fix and determine the route or routes for such steam railway or railways, and the said commissioners shall have the exclusive power to locate the route or routes of such railway or railways, over, under, through or across the streets, avenues, places or lands in such county, "except Broadway and Fifth avenue, below Fifty-ninth street, and Fourth avenue above Forty-second street, in the city of New York, and except over, under, through or across those portions of Grand, Classon and Franklin avenues, in the city of Brooklyn, lying between the southerly line of Lexington avenue and the northerly line of Atlantic avenue, and over, under, through or across that portion of Classon avenue, in said city, lying between the northerly line of Lexington avenue and the southerly line of Park avenue;" and except such portions of streets and avenues as are already legally authorized for or occupied by an elevated or underground railway, and except such as are contained in public parks or occupied by buildings belonging to such county, or to this State, or to the United States, and except that portion of the city of Buffalo lying between Michigan and Main streets; and to provide for the connection or junction with any other railway or bridge, provided that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railway or railways, be first obtained, or in case the consent of such property owners cannot be obtained, that the determination of three commissioners

Commissioners to determine on necessity of steam railways; to fix routes, etc.

Streets, etc., excepted.

Junction with other railways.

appointed by the general term of the supreme court in the district of the proposed construction given after a due hearing of all parties interested, and confirmed by the court, that such railway or railways ought to be constructed or operated, be taken in lieu of the consent of such property owners.

§ 2. This act shall take effect immediately.

CHAP. 418.

AN ACT to amend chapter two hundred and seventy-two of the laws of eighteen hundred and seventy-nine, entitled "An act making appropriations for certain expenses of government, and supplying deficiencies in former appropriations."

PASSED May 26, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Paragraph of chapter 272, Laws of 1879.

SECTION 1. The paragraph of chapter two hundred and seventy-two of the laws of eighteen hundred and seventy-nine, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," which reads as follows:

Appropriations.

"For the erection of State armories in the cities of New York and Brooklyn, the sum of two hundred thousand dollars, as follows: One hundred thousand dollars thereof for the erection of an armory in the city of New York for the use of the eighth regiment, national guard State New York, a battery of artillery, a troop of cavalry, and for the headquarters of the third brigade, and one hundred thousand dollars thereof for the erection of an armory in the eastern district of the city of Brooklyn, for the use of that portion of the infantry of the eleventh brigade whose headquarters are in said district, to be expended under the direction of the adjutant-general, the inspector-general, and the chief of ordnance of this State. But no part of this appropriation shall be expended by them, except upon a contract for the completion of the armory in each case, at a cost not to exceed one hundred thousand dollars in each case; nor until an indefeasible title to a suitable site for such armory in each case, free from all incumbrances, shall be vested in the people of this State, without cost to the State, and to be approved by the above-named officials, or a majority of them. Such contract shall be awarded by them to the lowest responsible bidder therefor, after reasonable and public advertisement for such work," is hereby amended so as to read as follows:

Not to be expended except on contract awarded to lowest bidder.

Appropriations.

For the erection of State armories in the cities of New York and Brooklyn, the sum of two hundred thousand dollars, as follows: One hundred thousand dollars thereof for the erection of an armory in the city of New York, for the use of the eighth regiment, national guard State New York, a battery of artillery, a troop of cavalry, and for the head-quarters of the third brigade, and one hundred thousand dollars thereof for the erection of an armory in the eastern district of the city of Brooklyn, for the use of that portion of the infantry of the eleventh brigade, whose headquarters are in said district, to be expended under the direction of the adjutant-general, the inspector-general and the chief of ordnance of this State; but no part of this

appropriation shall be expended by them, except upon a contract for the completion of the armory in each case, at a cost not to exceed one hundred thousand dollars in each case, nor until an indefeasible title to a suitable site for such armory, in each case, free from all incumbrances, shall be vested in the people of this State, without cost to the State, and to be approved by the above-named officials, or a majority of them, provided that if the city of New York is the owner of any real estate by indefeasible title suitable as a site for an armory for said eighth regiment, said battery of artillery, said troop of cavalry, and said headquarters of the third brigade, and acceptable to the above-named officials, the city of New York may lease the same to the State of New York for such purpose for the term of ninety-nine years, at one dollar per year, and the above-named officials may accept the same for said purpose. Such contract shall be awarded by them to the lowest responsible bidder therefor, after reasonable and public advertisement for such work.

Not to be expended except on contract awarded to lowest bidder.

§ 2. This act shall take effect immediately.

CHAP. 419.

AN ACT establishing the compensation of the county clerks in the counties of Richmond and Franklin, in lieu of charges for all services rendered said counties.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In each of the counties of Richmond and Franklin the board of supervisors thereof is hereby authorized and empowered to fix the salary of the county clerk of such county for all services performed by him as such clerk for such counties, and said board is directed annually to cause to be assessed and collected upon the taxable property of such county a sum sufficient for the payment of said salary, and such salary, when so fixed, shall be in lieu of all fees now paid said clerk by such county for such services rendered said county.

Board of supervisors may fix salary of county clerk and levy tax to pay the same.

§ 2. This act shall take effect, so far as its provisions apply to the county of Richmond, on the first day of January, eighteen hundred and eighty-two, and so far as its provisions apply to the county of Franklin, on the first day of January, eighteen hundred and eighty-three

When act to take effect.

CHAP. 420.

AN ACT to amend chapter one hundred and twenty-three of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the Hudson Suspension Bridge and New England Railway Company."

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and twenty-three of the laws of eighteen hundred and seventy-four, entitled "An act to

Sec. 1, ch. 123, Laws of

1874, amended.

amend the charter of the Hudson Suspension Bridge and New England Railway Company," is hereby amended so as to read as follows:

Time extended till July 4, 1890.

§ 1. The time for the completion of the bridge of the Hudson Suspension Bridge and New England Railway Company, and of the appurtenances of said bridge, and of the avenues of approach thereto, to comply with the conditions of the act of incorporation of said company, and of the amendments to said act, is hereby extended to the fourth day of July, one thousand eight hundred and ninety.

§ 2. This act shall take effect immediately.

CHAP. 421.

AN ACT to legalize and confirm the action of the electors of the town of Wilmington, in the county of Essex.

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action of electors legalized.

SECTION 1. The action of the electors of the town of Wilmington, in the county of Essex, at the annual town meeting held therein on the second day of March, eighteen hundred and eighty, in voting to raise, by tax on the said town, the amount allowed by law for the purpose of buying a site and building a town house for the use of said town, is hereby, in all things, legalized and confirmed.

§ 2. This act shall take effect immediately.

CHAP. 422.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages;" also chapter eight hundred and seventy of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act for the incorporation of villages."

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 4, title 3, ch. 291, Laws of 1870, amended.

SECTION 1. Section four of title three of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Trustees may compel owners to make improvements, etc.

§ 4. The trustees shall have power to compel the owners and occupants of land or lots in front of and adjoining which a sidewalk is to be made or repaired, to make such improvements upon the sidewalk in front of said land or lot, to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality

In case of neglect, trustees

or kind of such materials; and in case the owner or owners, occupant or occupants of any such land or lot shall neglect or refuse to complete

the said required improvement within such reasonable time as shall be required by the trustees, the said trustees may cause such improvement to be made or completed, and the expense thereof may be by them assessed on such owner or owners so neglecting or refusing, and be collected by warrant issued by the president and trustees, as other taxes are directed to be collected by this act; and in case such tax or assessment shall not be paid or collected, the trustees may cause such real estate to be leased, or the owner thereof to be sued for payment and collection of such tax, and the costs and expenses arising from non-payment, in the manner and with the effect and subject to the provisions of this act in regard to the collection of taxes and assessments, by leasing of real estate or by action at law against the person liable. But nothing in this section shall be so construed as to prevent the trustees from making expenditures of money raised under section six of title four of this act, in and toward the construction, alteration or repair of sidewalks in such village, whenever and wherever they may deem the same more for the benefit of all the inhabitants of such village than for such adjoining owners or occupants; provided, that such last-mentioned expenditures for sidewalks shall not exceed in any one year the sum of five hundred dollars, unless the tax payers of such village, at a meeting specially called for that purpose, upon ten days' notice, at which at least thirty tax payers shall be present, shall authorize, by resolution, a larger expenditure. The resolution adopted at such meeting, duly authenticated, shall be placed with the records of such village, entered on the minutes of the trustees.

may do work and assess expense.

Act not to be construed to prevent trustees from making expenditures in certain cases.

§ 2. Section six of title four of the said act, as amended by chapter eight hundred and seventy of the laws of eighteen hundred and seventy-one, is hereby further amended so as to read as follows:

Sec. 6, title 4, amended.

§ 6. In addition to the amount raised by the trustees for "ordinary expenditures," the trustees shall have power, in any one year, in addition to the poll-tax, to raise by tax such sum as they may deem necessary, not exceeding in any one year the amount of one per centum on the assessed valuation of such village, to be denominated a highway tax, to work and improve the roads, avenues, streets, public squares and parks, lanes, sidewalks and crosswalks of said village, on all persons and incorporated companies, owning property and estate, real and personal, in said village, to be assessed and collected as all other taxes are, by the provisions of this act. The money so raised, with the proceeds of the poll-tax, shall be devoted to the purposes expressed in this section, and kept apart as a separate and distinct fund by the treasurer.

Highway tax.

§ 3. This act shall take effect immediately.

CHAP. 423.

AN ACT to amend chapter five, title two, part two of the Revised Statutes of the State of New York.

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-three of chapter five, title two, part two of the Revised Statutes, is hereby amended so as to read as follows:

Sec. 23, ch. 5, title 2, part 2, of

the Revised Statutes amended.

Supreme Court may draw specific performance of contract of lunatic, etc

§ 23. The supreme court shall have authority to decree and compel the specific performance of any bargain, contract or agreement which may have been made by any lunatic or other person specified in the first section of this title, while such lunatic or other person was capable to contract; and of any contract in relation to lands made by the ancestor of such person from whom such person inherits or takes as devisee or otherwise; and to direct the committee of such person to do and execute all necessary conveyances and acts for that purpose; and in case the person entitled to such conveyance is the committee of such person specified in section one of this title, the said court may, upon the petition of said committee, appoint some suitable and proper person to execute the said conveyance in the name of such lunatic or other person specified in section one of this title, upon payment by the vendee of any sum remaining due to such person upon said contract, or upon the fulfillment of the contract on the part of the party who contracted with the person represented by said committee.

§ 2. This act shall take effect immediately.

CHAP. 424.

AN ACT to authorize the construction of a bridge over the Erie canal at Brockport, Monroe county.

PASSED May 26, 1880; three-fifths being present.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supt. of public works authorized to construct lift or swing bridge.

SECTION 1. The superintendent of public works is hereby authorized to construct or cause to be constructed a lift or swing bridge, as shall be deemed most suitable, over the Erie canal, in Brockport, Monroe county, at the point where Main street in said village crosses the Erie canal, and in place of the present canal bridge at such point, now needing repairs, in such manner and of such material as he shall deem the interest of the State may require, and for the purpose of insuring the unobstructed navigation of the canal, the cost of said bridge not to exceed the sum of twelve thousand dollars, to be paid from any moneys appropriated or to be appropriated for the payment of the expenses of lock tending, and the ordinary or extraordinary repairs of the canal; provided, however, that there shall be no expense to the State on account of lands taken for abutments, or damage to property in constructing approaches to said bridge, and the said village shall construct the approaches thereto and grade the street. The

Operating of bridge under direction of Supt.

operating of said bridge shall be under the direction of the superintendent of public works, but the expenses thereof shall be paid by the village of Brockport, and the authorities of said village are hereby authorized to levy taxes for said purposes.

§ 2. This act shall take effect immediately.

* Not returned by the governor within ten days after it was presented to him, and became a law without his signature May twenty-sixth, eighteen hundred and eighty.

CHAP. 425.

AN ACT to amend chapter eight hundred and six of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Fire Proof Warehousing Company."

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter eight hundred and six of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Fire Proof Warehousing Company," is hereby amended so as to read as follows: Sec. 5, ch. 806, Laws of 1868, amended.

§ 5. The corporation hereby created shall have power to receive upon consignment, sell upon commission and take upon deposit as bailees, for safe-keeping, transportation, lightering and storage, cotton and other merchandise and personal property generally, and to assure the safe-keeping and prompt delivery thereof in as good condition as when received, and to assure the owners thereof against loss by fire or other cause whatever, and to advance money, sureties and credits under and upon letters, certificates, bonds and memoranda issued upon the faith, credit, security and value of any of said property so deposited, and the assurance and insurance thereon at a rate of interest not exceeding six per cent per annum. And may make, execute and issue for any and all of the purposes aforesaid, and of the several purposes of this act, in and about the proper transaction of its business, all necessary contracts, certificates, agreements, bonds or memoranda which shall be executed and signed in such manner and form as the board of directors may prescribe, but nothing herein contained shall be construed to confer banking privileges or to allow or authorize the insurance of any merchandise or the advancing any money thereon, unless said merchandise shall have been first received by said corporation and stored or placed on storage in fire proof buildings of the character described under the first section of this act, and shall, at the time, be owned or leased by the corporation hereby created, and all the time be in the actual corporation. Corporate powers. Id.

1. The said corporation shall have the general powers and privileges of a corporation as the same are declared in the third title of the eighteenth chapter of the first part of the Revised Statutes, and in addition thereto shall have power to receive moneys in trust and to accumulate at such rate of interest as may be obtained or agreed on, or to allow such interest thereon as may be agreed, not exceeding in either case the legal rate. General power under title 8, ch. 18, part 1, Revised Statutes.

2. To accept and execute all such trusts and perform such duties of every description not inconsistent with the laws of this State as may be committed to it by any person or persons, whomsoever, or by any corporation or by order of the supreme court, or by a surrogate, or by any court of record. To accept and execute trusts.

3. To take and accept by grant, assignment, transfer, devise or bequest, and to hold any real or personal estate on trusts created in accordance with the laws of this State, or of the United States, and execute such legal trusts in regard to the same, on such terms as may be declared, established or agreed upon in regard thereto. To take by grant, etc., real estate.

Agent for transferring stock, etc.

4. The said company is authorized to act as agent for the purpose of transferring, issuing, registering and countersigning the certificates of stocks, bonds and other evidences of debt of any corporation, association, municipality, State or public authority, on such terms as may be agreed upon.

To execute trusts for married women.

5. To accept from and execute trusts for married women in respect to their separate property, whether real or personal; to act as agent for them in the management of such property; to act as guardian for infants and as committee for the property and persons of insane or feeble mind.

6. Generally to have and exercise such powers as are usually had and exercised by trust companies.

Courts may direct money to be deposited with company.

7. In all cases where an application shall be made to any court of this State, or to a surrogate having jurisdiction, for the appointment of the estate of any infant, the annual income of whose estate shall exceed one hundred dollars, the said court shall have power to appoint, and the said surrogate (on application of the minor, of the age of fourteen years or upwards, and on the application of the next of kin of the minor if under the age of fourteen years as now provided by law) shall have power to appoint the said company as guardian of the estate of such infant, and every court into which money may be paid by parties, or be brought by order or judgment, may by order direct the same to be deposited with the said company, but no trust powers shall be exercised until the whole capital stock shall be paid.

§ 2. This act shall take effect immediately.

CHAP. 426.

AN ACT to amend chapter one hundred and twenty-six of the laws of eighteen hundred and sixty-one, entitled "An act to authorize the election of one overseer of the poor in the town of Saugerties, Ulster county."

PASSED May 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 126, Laws of 1861, amended.

SECTION 1. Section one of chapter one hundred and twenty-six of the laws of eighteen hundred and sixty-one, entitled "An act to authorize the election of one overseer of the poor in the town of Saugerties, Ulster county," is hereby amended so as to read as follows:

One overseer of poor in town of Saugerties.

Salary.

§ 1. There shall hereafter be only one overseer of the poor elected in the town of Saugerties, Ulster county, who shall have the same powers and duties and be subject to the same liabilities that overseers of the poor now by law have, or which may hereafter be conferred upon them. The said overseer of the poor shall receive an annual salary of three hundred dollars for his services, which amount shall include all expenses incurred by him in the discharge of his official duties within the town of Saugerties, chargeable to and against the said town; and he shall not receive or be allowed against said town any other sum whatever.

§ 2. This act shall take effect at the expiration of the term of the present overseer of the poor of the said town of Saugerties.

CHAP. 427.

AN ACT to amend chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies."

PASSED May 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-one of chapter four hundred and sixty-three of the laws of eighteen hundred and fifty-three, entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," is hereby amended so as to read as follows:

Sec 21, ch. 463, Laws of 1853, amended.

§ 21. Any existing company incorporated by or authorized under the laws of this State, for the purposes mentioned in this act, may avail themselves of the provisions of this act, after publishing their intentions for six weeks in the State paper, and obtaining the consent of the majority of the trustees or directors, and complying with the third section of this act, in relation to the filing and contents of the declaration therein referred to. And any existing company incorporated by or authorized under the laws of this State, or any company formed under this law, to transact the business embraced in the second department of section one of the act hereby amended, may at any time increase the amount of its capital stock, upon the same proceedings being had as are required by a fire insurance company, as provided in chapter four hundred and sixty-six of the laws of eighteen hundred and fifty-three, with the amendments thereto.

Any existing company may avail themselves of this act.

May increase capital stock.

§ 2. This act shall take effect immediately.

CHAP. 428.

AN ACT further to regulate the admission to this State of fire and marine insurance companies from other countries than the United States.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Fire or marine insurance companies from other countries than the United States, hereafter applying for admission to this State, may be admitted to transact business in this State on presenting to the superintendent of the insurance department legal and satisfactory evidence of the possession by them of a capital, of which there is paid up in cash, and invested in securities of the same general character as those which companies of this State are permitted to hold, not less than five hundred thousand dollars or one hundred thousand pounds sterling, and upon depositing with the superintendent of the insurance

Terms and conditions upon which foreign fire and marine companies may be admitted to do business in this State.

department such securities as foreign insurance companies are now required by law to deposit, and in such amount as is required by existing laws; provided that before any such company shall be admitted to transact business in this State, it shall execute under its corporate seal, and the hand of its president by authority of its board of directors, and file with said superintendent an agreement that it will not apply to remove into the United States court any action brought against it in any court of this State, and that if it shall make any such application, its authority to transact the business of insurance in this State shall cease and determine, and whenever it shall appear to the superintendent of the insurance department that any such company has made such application to remove such an action contrary to such agreement, he shall revoke the certificate of such company to do business in this State, and notify the agents thereof, and the agents of such company after such notice shall discontinue the issuing of any new policy.

Proviso.

Agreement not to do business domestic companies are prohibited from doing.

§ 2. The superintendent shall require any such company doing business, which companies organized under the laws of this State are prohibited from transacting, to file in his office an agreement under the corporate seal of such company that it will not (while authorized to do business in this State) transact in this State such business.

Violation of this act a misdemeanor.

Fine.

§ 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. Any company or corporation of this State violating any of the provisions of this act shall be subject to a fine of five hundred dollars for each and every offense, to be sued for and recovered in the name of the people of the State by the attorney-general, and such penalty when recovered shall be paid into the treasury of the State. Any company, partnership, association or corporation of any other State or country violating, or allowing any of its agents to violate any of the provisions of this act, shall be prohibited from transacting further business in this State, and the certificates of authority issued to the agents of such company, partnership, association or corporation shall be revoked forthwith by the superintendent of the insurance department.

When actions may be brought.

§ 4. Suits or actions may be brought against companies from other countries in any district court in the city of New York, or before any justice of the peace or any other court where such suits or actions can be brought against companies organized under the laws of this State.

§ 5. This act shall take effect immediately.

CHAP. 429.

AN ACT to regulate the use of intoxicating liquors in poor-houses, juvenile reformatories, protectories, houses of refuge, jails, penitentiaries and prisons.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York represented in Senate and Assembly, do enact as follows:

Introducing or bringing alcoholic.

SECTION 1. It shall be unlawful to introduce into any poor-house, juvenile reformatory, protectory, house of refuge, jail, penitentiary or prison, or to bring upon the premises thereof, any wine, alcoholic,

malt or intoxicating liquors, except upon the written requisition of the medical officer of such institution, or for any trustee, manager, officer, agent, employee, or other person connected with any such institution, or the inmates thereof, to use, to offer to others, or to allow to be used within any such institution, or upon the premises thereof, any wine, alcoholic, malt or intoxicating liquors, except by the direction and prescription of the medical officer of such institution, who shall, in every case of such prescription, make a record of the name of the person and the cause for which such prescription is given, in a book kept publicly for such purpose, which record shall be verified by the affidavit of such medical officer, at least once in every six months.

malt or intoxicating liquors into poor-houses, etc., prohibited.

§ 2. Any person violating this act, upon conviction thereof, shall be deemed guilty of a misdemeanor.

Penalty.

§ 3. This act shall take effect immediately.

CHAP. 430.

AN ACT to release and grant the interest of the people of the State of New York in certain real estate in the city of Brooklyn, in the county of Kings, and State of New York, to Mary Ryan.

PASSED May 27, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title, interest and property of the people of this State acquired by escheat on the death of Michael Ryan, late of the city of Brooklyn, deceased, in and to the following described land and premises, namely: All that lot, piece or parcel of land and premises situate, lying and being in the city of Brooklyn, in the State of New York, bounded and described as follows: Beginning at a point on the northerly side of Van Buren street distant fifty-five feet easterly from the north-easterly corner of Van Buren street and Franklin avenue; thence running easterly along Van Buren street twenty-five feet; thence northerly parallel to Franklin avenue fifty feet; thence westerly parallel to Van Buren street twenty-five feet; and thence southerly parallel to Franklin avenue fifty feet to the place of beginning. Being the same premises conveyed to the said Michael Ryan by Morris O'Connor and wife by deed dated February twenty-fifth, eighteen hundred and sixty-seven, and recorded in the register's office in the county of Kings, in liber seven hundred and forty-seven of conveyances, page four hundred and ten, on the twenty-fifth day of March, eighteen hundred and sixty-seven, is hereby released to Mary Ryan, of the city of Brooklyn, the widow of said Michael Ryan, her heirs and assigns forever.

Interest of State released.

Description of lands.

§ 2. Nothing herein contained shall affect the right, title or interest of any person in and to said premises, as heir-at-law, devisee, grantee of said Michael Ryan, creditor or by judgment, mortgage or otherwise.

Not to impair vested rights.

§ 3. This act shall take effect immediately.

CHAP. 431.

AN ACT to amend section one of chapter seven hundred and ninety-two of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Port Richmond in the county of Richmond."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 792, Laws of 1866, amended.

SECTION 1. Section one of chapter seven hundred and ninety-two of the laws of one thousand eight hundred and sixty-six is hereby amended so as to read as follows:

Village of Port Richmond.

§ 1. That part of the town of Northfield in the county of Richmond, contained within the boundaries hereinafter described, shall be a village by the name of Port Richmond, and the citizens of the State, from time to time, inhabitants within said boundaries, shall be a corporation by the name of the village of Port Richmond, and the territory within said boundaries shall constitute a separate road district over which the trustees of said village shall have sole control; and the taxable property within said village shall be exempt from taxation in any manner for highway purposes, except as is expressly provided in subsequent parts of the act hereby amended, and in and by chapter eight hundred and thirty-nine of the laws of eighteen hundred and sixty-nine. And it shall be unlawful for any officer or officers to levy, assess, impose or collect any sum whatever upon the taxable property in said village for use in, upon or about the opening, laying out, working or repairing, or otherwise improving any road or roads, avenue or streets in the said town lying outside of the limits of said village. And no inhabitants of said village shall be eligible to the office of highway commissioner in said town. And the assessors of the town of Northfield shall designate by the word "village," or otherwise, upon their assessment roll, all property situated within said village, so that in levying taxes in said town, all such property shall be clearly and easily separable from property outside the village, to the end that all taxes for highway purposes, as above specified, may be levied upon the property outside of said village.

Separate road district.

Not taxable for highways in town outside of village.

No inhabitant to serve as town highway commissioner.

Property in village to be designated on town assessment roll.

§ 2. All acts or parts of acts in so far as they are inconsistent with this act are hereby repealed, in so far as they affect said village.

§ 3. This act shall take effect immediately.

CHAP. 432.

AN ACT supplementary to chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the trustees of the village of Saratoga Springs to enter into a contract for the lighting of the public streets and public offices in said village with gas, for one or more years, notwithstanding the money for that specific object has not been levied as required by the charter of said village. Lighting streets.

§ 2. This act shall take effect immediately.

CHAP. 433.

AN ACT in relation to arrears of personal taxes in the city of New York.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At any time within six months after the passage of this act any person or corporation may pay to the comptroller of the city of New York the amount of any tax or balance of tax upon personal property belonging to such person or corporation, heretofore laid or imposed and now remaining wholly or partly unpaid, together with interest at seven per centum per annum, to be calculated from the time that such tax was imposed to the time of such payment and the comptroller shall make and deliver to the person so making such payment a receipt therefor, and shall forthwith cancel the record of any such tax. Upon such payment such tax shall cease to be a lien upon the property and shall be deemed fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax. Persons liable may pay tax and interest to comptroller. On payment tax to cease to be a lien.

CHAP. 434.

AN ACT to authorize cities and incorporated villages to charge license fees to persons doing business on the canals of this State.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

License fee from persons selling goods at retail from canal boats, etc.

SECTION 1. It shall hereafter be lawful for the common council of any city and the trustees of any incorporated village in this State, to charge and collect a license fee from all persons doing a retail business in the sale of goods of any description, except products of the farm and unmanufactured products of the forest, from canal boats in the canals of this State, or from the lands by the side of said canals, and within the boundary lines thereof, within the limits of such cities or villages. The common council of such cities and the trustees of such villages shall have power to fix the amount to be charged for such licenses at such sum as in their discretion they may deem just. They shall also have power to enforce the collection of such license fees in the same manner as they are now severally authorized by law to enforce the collection of other license fees which they are authorized to impose. They shall also have power to adopt laws or ordinances to prevent any person making any such sale without first obtaining such license, and to punish any violation thereof by a fine not exceeding one hundred dollars, the offender to be imprisoned in the county jail until such fine be paid, not exceeding six months.

Amount.

Ordinances, etc.

Act, how to be construed.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. Nothing in this act contained shall be held or construed to conflict in any manner with the provisions of title four of chaper seventeen of part one of the Revised Statutes.

§ 4. This act shall take effect immediately.

CHAP. 435.

AN ACT to amend chapter five hundred and twenty-six of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-two, entitled 'An act for the protection of tax payers against the frauds, embezzlements and wrongful acts of public officers and agents.'"

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 526, Laws of 1879, amended.

SECTION 1. Section one of chapter five hundred and twenty-six of the laws of one thousand eight hundred and seventy-nine, entitled "An act to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-two, entitled 'An act for the protection

of tax payers against the frauds, embezzlements and wrongful acts of public officers and agents,'" is hereby amended so as to read as follows:

Actions against officers, etc., to prevent waste, etc., of public property.

§ 1. All officers, agents, commissioners and other persons acting for and on behalf of any county, town or municipal corporation in this State, and each and every one of them may be prosecuted, and an action or actions may be maintained against them to prevent waste or injury to any property, funds or estate of such county, town or municipal corporation by any person or by any number of persons jointly, who shall be singly or together assessed for the amount of one thousand dollars in said town, and liable to pay taxes upon such assessment therein, or who have either separately or together paid taxes therein upon an assessment of that amount within one year previous to the commencement of any such action or actions. Provided that such person or persons, upon or prior to the commencement of such action, shall give to such county, town or municipal corporation a bond to be approved by one of the justices of the supreme court, or the county judge of the county, in such penalty as the justice or judge approving the same shall direct, but not less than two hundred and fifty dollars, and executed by two or more sufficient sureties to be approved by said justice or judge, and conditioned to save said county, town or municipal corporation harmless from all costs, charges and expenses by reason of such action. Such bond shall be filed in the office of the county clerk of the county in which the action is brought, and a copy served with the summons in such action. This act shall not be so construed as to take away any right of action from any county, town or municipal corporation, or from any public officer.

Proviso as to security.

Act, how to be construed.

§ 2. Section two of said act is hereby amended so as to read as follows:

In case action is for improperly auditing, etc., of claims, the judgment may prohibit the payment or allowing of such claims.

§ 2. In case the waste or injury complained of consists in any officer or agent of any county, town or municipal corporation, by collusion or otherwise auditing, allowing or paying, or conniving at the audit, allowance or payment of any fraudulent, illegal, unjust or inequitable claims, demands or expenses against or by such county, town or municipal corporation, or by permitting a judgment or judgments to be recovered against such county, town or municipal corporation, or against himself in his official capacity, either by default or without the interposition and proper presentation of any existing legal or equitable defenses, the court may in its discretion prohibit the payment or collection of any such claims, demands, expenses or judgments, in whole or in part, or may enforce the restitution thereof if paid or collected, by the person or party receiving the same, or may adjudge and declare the colluding official personally responsible therefor, and out of his property the collection or repayment thereof so as to indemnify and save harmless the said county, town or municipal corporation from a part or the whole thereof, and in case of a judgment the court may in their discretion vacate, set aside and open said judgment with leave and direction for the defendant therein to interpose and enforce any existing legal or equitable defense therein, under the direction of such person as the court may, in their judgment or order, designate and appoint.

§ 3. This act shall take effect immediately.

CHAP. 436.

AN ACT to establish a police department in the city of Buffalo, and to provide for the government thereof.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City a separate police district.

SECTION 1. The city of Buffalo shall hereafter constitute a separate police district, and a police department is hereby established therein, with the powers and duties in this act provided.

Police department to consist of board of police and police force.

§ 2. The said police department shall consist of a board of police, of a police force, to be appointed by said board of police, and of such clerks and employees as are authorized by this act to be appointed. The police force shall be composed of a superintendent of police, a surgeon of police, a clerk of the said board, and of the captains of police, sergeants of police, detectives, patrolmen and doormen of police authorized by this act.

Control of department.

§ 3. The management and control of said department, subject to the provisions of this act, are vested in a board of commissioners, to be known and designated as the board of police of the city of Buffalo, and to be composed of the mayor and superintendent of police, ex-officio, and one other person, to be appointed as in the next section provided. Two members shall constitute a quorum of said board for the transaction of any business under this act.

Police commissioner to be appointed.

§ 4. Immediately after this act shall take effect, the mayor of said city shall nominate, and by and with the advice and consent of the common council of said city, appoint one elector of said city as commissioner of police who shall be designated as the acting commissioner. Such commissioner shall, before he enters upon the duties of his office, subscribe and take, before the city clerk of the city of Buffalo, the oath required by the constitution for judicial officers, which oath shall be filed in the office of said city clerk. Such commissioner shall hold his office for the term of four years and until his successor shall be qualified and enter upon the duties of the office.

Official oath.

Term of office.

Vacancy, how to be filled.

§ 5. Whenever a vacancy shall occur in the office of commissioner of police either by expiration of the term of office or otherwise, the mayor of said city shall nominate, and by and with the consent of the common council, appoint from among the electors of said city a suitable person as commissioner of police to fill such vacancy; and if such vacancy shall be created by any cause other than that of the expiration of the term of office, the person appointed to fill such vacancy shall hold office by virtue of such appointment for and during the unexpired term of the commissioner whom he shall succeed; and if such vacancy shall be created by the expiration of the term of office, the person appointed to fill such vacancy shall hold office as such commissioner for and during the term of seven years from the date of his appointment. Said commissioner may be removed from office by the supreme court for neglect of duty, malfeasance in office, bribery or corruption; but no removal shall be made unless upon charges, or unless the party shall have been served with a copy of the charges, and have had an opportunity to be heard, and such hearing shall be had in the city of Buffalo; such commissioner shall have an opportunity to present evidence in his own behalf.

Term.

Removal of commissioner from office.

§ 6. Immediately after the appointment of a commissioner of police, as in section four of this act provided, such commissioner together with the mayor shall meet as a board and appoint a superintendent of police. Such superintendent shall hold his office for the term of five years and until his successor shall be qualified and enter upon the duties of his office. Such superintendent shall, before he enters upon the duties of his office, subscribe and take before the city clerk of the city of Buffalo the oath required by the constitution for judicial officers, which oath shall be filed in the office of said city clerk. Such superintendent shall also, before he enters upon the duties of his office, execute to the city of Buffalo and file in the office of the city clerk of said city a bond in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the mayor of said city, conditioned for the faithful performance of his duty as such superintendent, and for the accounting for and paying over all moneys that shall come into his hands or under his control as such superintendent. Such superintendent may be removed from office by the superior court of Buffalo for incompetency, neglect of duty, malfeasance in office, bribery or corruption, but no removal shall be made except upon charges, nor unless the party shall have been served with a copy of the charges and have had an opportunity to be heard, and such hearing shall be had in the city of Buffalo; such superintendent shall have an opportunity to present evidence in his own behalf.

Commissioner and mayor to meet and appoint superintendent of police.

Term of office of.

Official oath.

Bond.

Removal of, from office.

§ 7. Whenever a vacancy shall occur in the office of superintendent of police, either by the expiration of the term of office or otherwise, the mayor and acting commissioner of police shall appoint from among the electors of said city a suitable person as superintendent of police to fill such vacancy; and if such vacancy shall be created by any cause other than that of the expiration of the term of office, the person appointed to fill such vacancy shall hold office by virtue of such appointment, for and during the unexpired term of the superintendent of police whom he shall succeed; and if such vacancy shall be created by the expiration of the term of office, the person appointed to fill such vacancy shall hold office as such superintendent for and during the term of five years from the date of his appointment. If, at any time, the mayor and acting commissioner shall fail to agree upon a suitable person to be appointed superintendent of police, they shall certify that fact in writing to the president of the common council of the city of Buffalo, whereupon said president of said common council shall associate himself with the said mayor and acting commissioner as a board for the appointment of a superintendent of police; such board, or a majority thereof, shall thereupon appoint a superintendent of police.

Appointment to fill vacancy.

Proceedings in case mayor and commissioner fail to agree.

§ 8. The city of Buffalo shall be divided into eight police precincts. The boundaries of such precincts may from time to time be altered by the board of police. Until the board of police shall take action in the matter, the boundaries of such precincts shall be and remain the same as at the time this act takes effect. The said board of police shall assign to each of said precincts one captain of police, sergeants of police not exceeding two, doormen of police not exceeding two, and so many patrolmen as said board may from time to time deem necessary. The said board of police shall appoint the police force mentioned in section two of this act, and shall fill all vacancies from time to time occurring therein; and the said force shall at all times consist of one superintendent of police, eight captains of police, sergeants of police and doormen of police not exceeding in number two sergeants

Police precincts.

Assignments to duty in.

Police force, appointment of.

and two doormen for each of said precincts, one surgeon of police, one clerk of the board of police, and so many patrolmen as such board shall from time to time deem necessary, not exceeding the number of one hundred and fifty, unless the common council of the city of Buffalo shall, on the recommendation of said board of police, at any time, by resolution, authorize an increase in such number, in which case the board may appoint additional patrolmen to the number so authorized by the said common council. The said board may also appoint, in addition to such police force, such additional clerks and employees as are necessary in administering the affairs of said department. The superintendent of police shall detail for detective duty, during his pleasure, so many patrolmen as the said board shall from time to time direct, not exceeding eight in number; and the patrolmen so detailed shall compose the detectives of the force, and while so detailed each of said patrolmen shall receive, in addition to his salary as patrolman, compensation at the rate of two hundred and fifty dollars per year. No person holding office under this act shall be liable to jury or military duty.

Clerks and employees.

Detail for detective duty.

Term of office of members of police force.

§ 9. The members of the police force, except the superintendent of police, the captains of police, the clerk of the board of police and the sergeants of police, shall hold office during good behavior, but shall be liable to removal only after written charges shall have been presented against them according to the rules and regulations of the police department of said city, and the same shall have been publicly heard and examined after the notice to them thereof by the said board in the manner to be provided by such rules and regulations; such charges shall be made under oath. The superintendent of police can be removed only as provided by section six of this act. The clerk of the board of police, the surgeon of police, the captains of police, and all other clerks and employees provided for by this act, may be removed at the pleasure of the board of police. Sergeants of police (who shall be selected from among the patrolmen of the force) may, at any time, at the pleasure of the board of police and without charges being preferred against them, be reduced to the rank of patrolman and ordered to patrol duty. The board of police may suspend from pay or duty, or both, any member of said force, but not longer than thirty days from pay at one suspension. The term of office of the superintendent of police of the police force of the city of Buffalo, in office at the time this act takes effect, shall cease, expire and determine on the appointment and qualification of a superintendent of police, as provided by section six of this act; the terms of office of all other members of the police force of the city of Buffalo shall cease, expire and determine on the second Tuesday after the organization of the board of police created by this act at six o'clock in the afternoon.

Sergeants may be reduced to the ranks.

Board may suspend from pay or duty.

Terms of office of present supt. and members, when to cease.

Qualifications of members.

§ 10. No person shall be appointed to any office or place in the said police force, or continue to hold such office or place, who is not a citizen of the United States, or who has ever been convicted of crime punishable by confinement in a State prison, or who cannot read and write English understandingly, or who shall not have resided within the city of Buffalo during one year next preceding his appointment.

Special policemen with or without pay may be appointed.

§ 11. The board of police may, upon any emergency or apprehension of riot, pestilence or invasion, appoint as many special patrolmen, with or without pay, from the citizens of said city, as it may deem advisable; and during any day of public election it may appoint to perform duty in the said city, as many special patrolmen as said board may deem necessary, with or without pay. In either case special pa-

trolmen appointed with pay shall receive such sum for their services as such special patrolmen as may be fixed by the said board of police, not to exceed three dollars per day, to be paid by the common council of said city out of the police fund of said city by drafts or warrants on the city treasurer of said city. The said board may, upon the application of any person or persons, or corporations, showing the necessity therefor, appoint special patrolmen to do special duty as required by the applicant for such appointment, but such last-named special patrolmen shall not be entitled to any compensation for their services from the said police department or from the city of Buffalo; nor shall any appointments of special patrolmen be made upon the application of any person or persons, or corporation, as herein provided, until after the applicant or applicants shall have secured and indemnified the said city and the said police department against all claims and demands for such services, in such manner as shall be provided by the rules and regulations of the said department. The special patrolmen named in this section shall hold office during the pleasure of said board of police, and during their term of service as such special patrolmen shall possess all the powers and privileges and perform all the duties that may be, from time to time, prescribed by the rules and regulations of said police department, and during their respective terms of service the said special patrolmen shall be subject to such rules and regulations.

Amount of compensation.

Appointment for special duty.

City to be indemnified.

Term of office.

§ 12. The mayor shall be president of the board of police, and shall preside at the meetings of the board. During the absence of the mayor, or his inability to act, the acting commissioner shall act as such president, with the powers and duties of president under this act; whenever a vacancy shall occur in the office of superintendent of police, and until such vacancy shall be filled as provided by section seven of this act, or in case of the temporary absence or inability of the superintendent of police, the said board of police may designate any member of the police force to act as such superintendent during such vacancy, absence or inability, and the person so designated shall be the acting superintendent of police, and shall possess during such vacancy, absence or inability, or until the board shall otherwise order, all the powers and shall perform all the duties of superintendent of police under this act.

President of police board.

When commissioner to act as president.

When board to designate member of force to act as supt.

§ 13. The said board of police shall provide such office and business accommodations, station houses and sub-station houses as the said board shall from time to time deem requisite for the transaction of the business of the police department. And the said board may from time to time establish stations and station-houses and sub-station-houses, at least one in each precinct, for the accommodation of members of the police force, and as places of detention for persons arrested, and for that purpose may appropriate and use any police station-house now in use as such in said city. And the said board may furnish supplies for all station-houses and sub-station houses in said city.

Station houses, etc.

Supplies, etc.

§ 14. The said board of police is hereby invested with, and shall hereafter exercise all the powers now conferred by law upon the mayors of cities and sheriffs of counties, in respect to requiring the services of the military in aid of the civil authorities, to quell riots, suppress insurrection, protect property and preserve public tranquillity; and such investiture of power shall exclude within the city of Buffalo the exercise of similar powers by the mayor of said city.

Powers conferred on board of police.

§ 15. The government and discipline of the police department shall be such as the board of police shall prescribe. And the said board are

Government and discipline

of police department. hereby empowered, in their discretion, to enact, adopt, modify and repeal, from time to time, rules and regulations for the management and administration of the said police department, and for the government and discipline of the police force, and of the subordinates under their control, in which shall be prescribed the mode of appointments to and removals from office, and in which shall also be defined the duties of the members of the police force. The said board shall also enact and adopt rules and regulations to prevent undue detention of persons arrested and in custody of members of said force. The orders, rules and regulations authorized by this act, when duly made, enacted or adopted by the said board, shall have the same force and effect as if herein specially enacted; provided, that the said rules and regulations shall not be in conflict with the provisions of this act, or with the laws of this State or of the United States.

Criminal warrants. § 16. The president of the board of police and the superintendent of police shall each have power to issue criminal warrants in all cases after entertaining complaints, making the same returnable before the police justice of the city of Buffalo; and they may each commit for

Subpœnas. examination. The board of police and the clerk of said board shall each have power to issue subpœnas, tested in the name of the president, to compel the attendance of witnesses upon any proceedings authorized by this act and by said rules and regulations; and witnesses for which such subpœnas shall be issued shall not be entitled to any fee.

Affirmations, etc. Each commissioner of police, the superintendent of police, and the clerk of the board of police is hereby authorized and empowered to administer affirmations and oaths to any person summoned or appearing in any matter or proceeding authorized as aforesaid, or to take any deposition necessary to be made under the rules and regulations of the board of police or for the purposes of this act; and any willful and corrupt false swearing by any witness or person to any material fact in any necessary proceeding under the said rules and regulations, or under this act, shall be deemed perjury, and be punished in the manner now prescribed by law for that offense; and in case any person subpœnaed under this section shall fail or refuse to obey such subpœna, or refuse to take, when required, the proper oath or affirmation, or to answer any proper question, the board of police shall then have the same powers to compel attendance and punish disobedience as justices of the peace in like cases.

Powers of members of police force. § 17. The members of the said police force shall possess in the city of Buffalo and in any part of the State all the common law and statutory powers of constables, except for the service of civil process; and any warrant for search or arrest issued by any magistrate of the State may be executed in any part thereof by any member of the said force; and all the provisions of sections seven, eight and nine of chapter two, title two, part four of the Revised Statutes, in relation to

Expenses a charge on the county of Erie. the giving and taking of bail, shall apply to this act. The actual and necessary expenses incurred by any member of said force in serving or executing any process provided for in this act, or any criminal process or subpœna in a criminal case, or in detecting, or endeavoring to detect, discover or arrest any perpetrator of crime against the laws of this State, or to discover or reclaim any property feloniously stolen, concealed or carried away, when directed to do so by the superintendent of police or the president of the board of police, or by the district attorney of the county of Erie, shall be a charge against the said county of Erie; the amount of said expenses shall be made out in items and in detail, and verified by the oath of the party to whom the

same is due, to the effect that the sums therein charged have been actually paid out by him, and when audited and certified by the board of police, shall be presented to the board of supervisors of the county of Erie, to be audited and paid as other county expenses are audited and paid.

Advances to the supt. of police for expenses.

§ 18. For the purpose of defraying the expenses in the last preceding section mentioned in the first instance and for a secret service fund, the common council of said city is hereby authorized and directed to advance to the superintendent of police, out of the police fund, by draft or warrant on the treasurer of said city, such sum as the board of police shall, from time to time, recommend, not to exceed in the aggregate the sum of two thousand dollars in any one year.

Preservation of the public peace etc.

§ 19. It is hereby made the duty of the police force, at all times of the day and night, within the city of Buffalo, and the members thereof are accordingly thereunto empowered to especially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and insurrections, protect the rights of persons and of property, guard the public health, preserve order at every primary and public election, remove such nuisances existing in the public streets, roads, places and highways, as the board of police shall prescribe; repress and restrain disorderly houses and houses of ill-fame; to arrest all street beggars and mendicants; to provide a proper police attendance at every fire, in order that thereby the firemen, fire-engines and property exposed may be suitably assisted or protected; assist, advise and protect emigrants, strangers and travelers in public streets, or at steamboat and ship landings, or railway stations; enforce every law relating to the suppression and punishment of crime, or to the observance of Sunday, or regarding pawnbrokers, or mock auctioneers, or emigrants, or elections, or gambling, or intemperance, or lotteries, or lottery policies, or vagrants, or disorderly persons, or the public health, or any ordinance or resolution of the common council of the city of Buffalo which may be applicable to police, health or criminal procedure.

Arrests without process.

§ 20. The several members of said police force shall have power and authority, immediately and without process, to arrest and take into custody any person who shall commit, or threaten or attempt to commit in the presence of such member, or within his view, any breach of the peace, or any offense directly prohibited by the laws of this State or by any ordinance of the city of Buffalo; and upon any arrest made by a member of said force by virtue of the authority contained in this section, or by virtue of any warrant or other process, the member of said force making such arrest shall immediately thereupon convey, in person, the offender before the nearest sitting magistrate having jurisdiction to try or to commit for the offense for which the arrest was made, to be dealt with according to law. But if such magistrate is not holding court so that such offender can be so conveyed before him, then such offender may be detained in a station house until the next public sitting of such magistrate, and shall then be conveyed without delay before such magistrate, to be dealt with according to law. And during the detention at any station house of any person arrested, such person shall be furnished with necessary and proper food; and the board of police are hereby authorized to make provisions therefor, and to include the same in their estimate of expenses of said department; and the expense thereof shall be a charge against the county of Erie.

Prisoners to be immediately conveyed before magistrate.

Detention in case magistrate is not holding court.

Warrant of appointment.

§ 21. Every member of the said police force shall have issued to him by the board of police a proper warrant of appointment, signed by the president of the board, and countersigned by the clerk of the

board, which warrant shall contain the date of his appointment and his rank. Each patrolman detailed to do duty as a detective shall have issued to him a written order of such detail, signed by the superintendent of police and countersigned by the clerk of the board of police, and the revocation of such detail shall be issued in like manner. The board of police shall make suitable provisions respecting security to be given by the clerk of the board, and by such members of the police force as may be desirable, for the faithful performance of their respective duties. Each member of the police force shall take an oath of office and subscribe the same in a book kept for that purpose, which oath of office shall be taken before any commissioner of police, who is hereby empowered to administer the same.

Written order in case of detail for detective duty.

Security to be given by clerks of the board.

Official oaths.

Service of criminal process.

§ 22. All criminal processes issuing out of any police court, or from any justice residing in the city of Buffalo, shall be served or executed by a member of said police force, and not otherwise; and the said board of police shall detail so many patrolmen as shall be necessary, and as the sheriff of Erie county shall require, to attend all the terms of the superior court of Buffalo, and no constable or deputy sheriff shall hereafter attend said court, or be paid by the city of Buffalo or county of Erie for any services in said court. The necessary expenses incurred in the execution of criminal process within the said city and county shall be a charge against said county.

Justices to the police to be designated from acting justices of the peace.

§ 23. The board of police shall, in the first week in January in each year, designate and appoint from the acting justices of the peace elected in and for the city of Buffalo, or for any ward of said city, not exceeding five justices to the police, for the trial and disposition of the cases of persons who shall be confined in the several station houses. The justices to the police in office at the time this act takes effect shall continue as such justices to the police until the board of police created by this act shall appoint others in their stead. One of said justices shall attend at each of the police station houses every morning, at the hour prescribed by the board of police, and examine into the case of every person confined therein, and make delivery. Said justices shall have power to try cases of drunkenness, vagrancy and all other offenses against any of the laws of the State, or the ordinances of the city of Buffalo, which may be tried summarily and without a jury, by a justice of the peace or court of special sessions, committed by any person he shall find confined in the station house, and to sentence every person found guilty of any such offense pursuant to the statute or ordinance creating such offense. In all other cases said justices of the police shall have and possess the same powers and jurisdiction as are prescribed in title ten of chapter five hundred and nineteen of the laws of eighteen hundred and seventy, entitled "An act to revise the charter of the city of Buffalo," and shall proceed in all respects in the manner prescribed in such title. Each of said justices to the police shall execute a bond to the city of Buffalo, with sufficient sureties to be approved by the board of police for the faithful performance of his duty, and for the accounting for and paying over all fines and penalties received by him as such justice to the police, in such sums as the said board shall require. All suits or actions brought on said bonds shall be in the name of the city of Buffalo. The salaries of the said justices to the police shall be fixed by the said board before appointment, and shall not exceed a salary at the rate of eight hundred dollars annually for services in attending the station house now known as number one, and not exceeding a salary at the rate of four hundred dollars annually,

One to attend at each station every morning.

Power to try cases of drunkenness, etc

General jurisdiction of justices to the police.

To give official bond.

Salaries of.

for services in attending at each of the other station houses, which salaries shall be paid monthly and shall not be increased or diminished during the year for which they were fixed by the said board. During the term of office of such justices to the police, the said board shall, from time to time, designate at which station house or houses the said justices, or either of them, shall attend; and at any time during said term of office, the said justices, or either of them, may be transferred from one station house to another, at the pleasure of the board; said board of police may, at pleasure, remove either of said justices to the police from office and appoint another justice of the peace in his stead. In case of the sickness, absence or inability of any justice to the police, the board of police may appoint another justice of the peace to perform his duties during such sickness, absence or inability, and the justice of the peace so temporarily appointed shall have all the powers and perform all the duties of justices to the police under this act. All fines and penalties imposed by any or either of said justices to the police, collected by them or the keeper of the Erie county penitentiary, or otherwise, shall be paid over every week, by the person receiving the same, to the treasurer of the city of Buffalo, and be by said treasurer, credited to the police fund of said city for the use and benefit thereof.

Board to designate at what station houses justices shall attend, etc.

Fines, etc.

§ 24. The board of police shall cause to be kept general complaint books, in which shall be entered any complaint of a police nature, with the name and residence of the complainant. They shall also cause to be kept books of registration of lost, missing or stolen property, for the general convenience of the public and for the information of the police force. They shall also cause to be kept books of record, wherein shall be entered the name of every member of the police force and such other matters of entry therein, as shall be by said board prescribed. They shall also cause to be kept such other records as they may deem necessary in carrying out systematically the provisions of this act.

General complaint books, etc.

§ 25. The supervisors of the county of Erie are hereby authorized, empowered and required, from time to time, to levy and raise by tax upon the estates, real and personal, taxable within said county, such sum and sums of money as may be required to carry into effect the fiscal provisions of this act affecting said county, and as may be necessary for the payment of any and all sums which by the provisions of this act shall become charges against the said county.

Board of supervisors to levy tax to carry this act into effect.

§ 26. The superintendent of police shall make to the board of police quarterly reports in writing of the state of the police force, with such statistics and suggestions as he may deem advisable to submit for the improvement of the police force and the discipline thereof; said board shall, on or before the first day of February, in each year, make a report to the common council of the city of Buffalo upon the condition of the police force of said city.

Quarterly reports to be made by supt.

§ 27. The superintendent of police and the captains of police within their precincts shall possess powers of general police supervision and inspection over all pawnbrokers, junk-shop keepers, cartmen, hackmen, dealers in second-hand merchandise, intelligence office keepers, and auctioneers of watches and jewelry within the city of Buffalo; and in the exercise and in furtherance of said supervision, may, from time to time, empower members of the police force to fulfill such special duties in the aforesaid premises as may, from time to time, be ordered by the board of police. The said superintendent and captains within their precincts may, by authority in writing, empower any member of said police

General police supervision over pawnbrokers, etc.

Examination of books of

pawnbrokers.

force whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, to examine the books of any pawnbroker, or his business premises, or the business premises of any junk-shop keeper, or dealer in second-hand merchandise, or intelligence office keeper. Any such member of said force when thereto authorized in writing as aforesaid, and having in his possession a pawnbroker's receipt or ticket, shall be allowed to examine the property purporting to be pawned, pledged or deposited on said receipt or ticket, in whosesoever possession said property may be; but no such property shall be taken from the possessor thereof without due process or authority of law. Any willful resistance to said superintendent or captains or to any member of said police force whilst in official and due discharge of duty by any of the persons hereinbefore named in this section shall be deemed a misdemeanor and be punishable as such.

Of property held by.

Entry of gambling-houses, etc

§ 28. If any member of the said police force, or if any two or more householders shall report in writing, under their or his signature, to the superintendent of police, that there are good grounds (and stating the same) for believing any house, room or premises, within the city of Buffalo, to be kept or used as a common gaming house, common gaming room or common gaming premises, for therein playing for wagers of money at any game of chance, or to be kept or used for any lewd or obscene public amusement, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for such superintendent to authorize any member or members of said police force to enter the same, who shall forthwith arrest all persons there found offending against any law, and seize all implements of gaming, lottery tickets and lottery policies found therein, and convey any person so arrested before the nearest magistrate having jurisdiction of the offense, and bring the articles so seized to the office of the superintendent of police. It shall be the duty of such superintendent to cause such arrested person or persons to be rigorously prosecuted, and such seized articles to be destroyed.

Detail of patrolmen at polls, and appointment of poll clerks, etc.

§ 29. It shall be the duty of the said board of police to detail on the day of any election in the city of Buffalo, one or more patrolmen, as they may deem necessary, to each election poll, and in due time to appoint all poll clerks required by law at any such election, and to provide ballot-boxes for use at any and all such elections, and to provide for the custody of said boxes at all times, except during the taking, receiving and counting of the votes. The said city of Buffalo shall pay the expenses of procuring and taking care of said ballot-boxes.

Booths or boxes for the distribution of tickets, etc.

§ 30. It shall be the duty of the said board of police to prevent any booth or box for the distribution of tickets at any election from being erected or maintained within one hundred and fifty feet of any polling-place within the city of Buffalo; and to see that the arrangements for voting are such as to prevent any avoidable crowding of voters at such polls, and that the challengers of both and all parties have fair and equal room, rights and privileges for the discharge of their duties at such poll, and that the counting of the votes be conducted in an orderly, fair, open and public manner, and no person or officer shall have power to interfere with said board in their discharge of the duties imposed on them by this section.

Penalty for using personal violence to elector on

§ 31. It shall be a misdemeanor punishable by imprisonment in the Erie county penitentiary for not less than one year and not exceeding two years or by a fine of not less than two hundred and fifty dollars, for any person, without justifiable or excusable cause, to use, or incite

any other person to use, personal violence upon any elector upon any election day in the city of Buffalo, or upon any member of the police force thereof when in the discharge of his duty, or for any such member willfully to neglect making any arrest for an offense against the laws of this State, or any ordinance of the city of Buffalo, or for any person not a member of said police force falsely to represent himself as being such a member with a fraudulent design upon person or property. election day, etc.

§ 32. The necessary expenses incurred in the execution of criminal process, or in making or attempting to make any arrest, or in detecting criminals, shall be a charge against the county of Erie as hereinbefore provided. No fees or compensation whatever, other than as herein provided, shall be charged or received by any officer or member of the said police force for the arrest, confinement or discharge of any person, or for mileage and travel, or for serving any warrant, subpœna or process, or for discharging any other duty required by this act; nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime, or for the service of any warrant, subpœna or other process in any criminal case except as herein provided. The actual, necessary and reasonable traveling expenses, which shall include board as well as transportation, incurred by any officer or member of the said police force, or by any other officer or citizen who may have been selected to execute any process issued within the city of Buffalo, incurred by any such officer or member of the police force, or other officer or person in executing any such process, or discharging any duty required of him by the district attorney of the county of Erie, or by any police justice, justice of the peace, judge of a court of record or criminal court held within said city, for any offense arising within said city, shall, in the first instance, be audited and allowed by the board of police, and be paid by the superintendent of police. But such charges shall only be allowed upon the affidavit of the person making them, and shall not include any items for traveling expenses in cases wherein transportation had been furnished to the party gratuitously and without pay by him, under whatever circumstances such free transportation may have been given. The board of supervisors of the county of Erie shall annually cause to be raised by a tax in the manner provided by law for assessing, levying and collecting the State and county taxes within and for said county, a sum sufficient to pay the costs, charges and expenses for police services rendered by any member of the said police, or by the said board of police in the execution of criminal process, in cases chargeable to such county, the same to be assessed, levied and collected upon and from the said city and the towns of said county in the same manner, ratio and proportion as the accounts of sheriffs and constables of said county are now charged, assessed, levied and collected, the amount thereof to be paid to the treasurer of the city of Buffalo, and by him credited to the police fund of said city for the use and benefit thereof. It shall be the duty of the board of police to furnish annually to the board of supervisors of the county of Erie an accurate statement of all moneys paid out by the said superintendent of police, under the requirements of this section during the preceding year. It shall be the duty of the county treasurer to pay over the moneys raised under the provisions of this section to the treasurer of the city of Buffalo.

Expenses of execution of criminal process, etc., a county charge.

Members of police force not to receive fees.

Expenses to be paid supt. of police after being audited by board.

Bills to be made out in items and sworn to.

Annual tax to be levied by board of supervisors.

Statement of money, paid out to be furnished to board of supervisors.

§ 33. All rewards, fees, proceeds of gifts and emoluments that may be paid or given for account of extraordinary service of any member

Police life insurance fund.

of the police force (except when allowed to be retained by such member); and all moneys remaining for the space of one year in the hands of the clerk of the board of police, arising from the sale of unclaimed goods, and all fines imposed by the board of police upon members of the police force by way of discipline, and collectible from pay or salary, shall be paid to the treasurer of the city of Buffalo, to be by him invested, deposited or kept, as from time to time, directed by the mayor and comptroller of the city of Buffalo, and the acting commissioner appointed under the provisions of this act, or a majority of them, as a fund to be called the police life insurance fund; the said mayor, comptroller and acting commissioner are hereby created

Trustees of.

the trustees of said fund. The trustees herein named shall succeed the present trustees of said fund. Immediately upon this act taking effect, the present trustees of said fund shall deliver said fund, including all investments belonging to the same, to the treasurer of the city of Buffalo, to be by him in whole or in part invested, deposited or kept as the trustees hereby created shall deem

Powers of trustees.

most advantageous to the objects of said fund. The trustees hereby created are hereby empowered to make all necessary contracts, and to take all necessary remedies in relation to said fund, in the name of the trustees of the police life insurance fund of the city of Buffalo. If

Annuities to disabled members.

any member of the police force, while in the actual performance of duty, shall become permanently disabled, so as to render his dismissal from the force necessary, or if any such member shall after ten years' membership become superannuated, a sum not exceeding one hundred and fifty dollars, as an annuity to be paid such member, shall be

To widows and children.

chargeable upon said fund. If any member of said force, while in actual discharge of his duty, shall be killed or shall die from the direct effect of any injury received by him while in such discharge of duty, and shall leave a widow, or if no widow, any child or children under the age of sixteen years, a sum not exceeding one hundred and fifty dollars by way of annuity shall become chargeable upon said fund, to be paid to such widow so long as she remains unmarried, or to such children or child so long only as said child, or the youngest of said

Trustees to fix amount and order payment.

children, continues under the age of sixteen years. In every case the said trustees shall determine the circumstances thereof, fix the amount to be allowed, and order the amount of payment of the annuity to be made by draft on the treasurer of the city of Buffalo, signed by each of said trustees, and payable out of said public life insurance fund.

Not chargeable as a legal right.

Nothing herein contained shall render any payment of such annuity obligatory upon said trustees, or chargeable as a matter of legal right; and the said trustees may, in their discretion, at any time, order such

Not to affect existing annuities.

annuity to cease. Nothing herein contained shall affect the claim of any annuitant, to whom an annuity has been heretofore allowed from the police life insurance fund; but such annuity may be continued by the said trustees created by this act, subject to the provisions thereof; and the said trustees may order the payment of such annuity in the same manner as if the claim thereto had arisen subsequent to the time when this act shall take effect. The treasurer of the city of Buffalo is hereby authorized and directed to pay drafts made by such trustees pursuant to the provisions of this section out of the said police life insurance fund.

Money and property to be kept by police clerk.

§ 34. All money or property alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall thereafter be taken into the custody of any member of the police force, or of any criminal court in the city of Buffalo, or which shall come

into the custody of any police justice within said city, shall be by such member or justice, or by order of said court, given into the custody of and kept by the clerk of the board of police, and all such property and money shall be particularly registered by said clerk, in a book kept for that purpose, which shall contain also a record of the names of the persons from whom such money or property was taken, the names of the claimants thereof, the time of the seizure, and any final disposition thereof. To be registered.

2. Whenever property or money shall be taken from persons arrested and which shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and whenever brought, with the claimant therefor, and the person arrested, before some magistrate or court for adjudication, and the magistrate or court shall be then and there satisfied, from evidence, that the person arrested is innocent of the offense alleged, and that the property rightfully belongs to him, then such magistrate or court may thereupon, in writing, order such property or money to be returned to such person, and the clerk of the board of police, if he have it, to deliver such property or money to the accused person himself, and not to any attorney, agent or clerk of such accused person. When to be returned to owner.

3. If any claim to the ownership of such property or money shall be made on oath before the magistrate or court by or on behalf of any other person than the person so arrested, and the said accused person shall be held for trial or examination, such property or money shall remain in the custody of said clerk until the discharge or conviction of the person accused. If the person accused shall be held for trial or examination, and shall be afterward tried upon the charge of having feloniously taken or obtained such property from the person by whom or on whose behalf said claim shall be made, and shall be convicted on said charge, then the board of police shall direct such property to be delivered to such claimant or his duly authorized agent, upon the certificate of the district attorney of Erie county, or his deputy, or the judge or magistrate who presided at the trial that such conviction was had. If said accused person shall be tried on said charge on the merits, and shall be acquitted thereon and discharged, then the said board may, upon the certificate of either of the above-named officers or of said court of such acquittal and discharge, direct such property to be redelivered to such accused person, on his demanding the same and making oath before any member of said board or before said clerk that he is entitled to the possession thereof. But if such accused person on such acquittal shall not make such demand and oath, or if the said board shall be satisfied that he is not entitled to the possession of such property, then such property shall be retained by the clerk, advertised and disposed of in the same manner as is provided for in subdivision four of this section, as to property for which there shall be no other claimant than the person from whom it was taken. The provisions of this subdivision shall not apply to cases provided for in subdivision two of this section. When claimed by other parties to be detained by clerk till discharge or conviction of prisoner. On conviction property to be delivered to owner on certificate of district attorney. On acquittal, when to be delivered to prisoner. When to be kept and advertised and sold.

4. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom the same was taken, and all property and money taken from pawnbrokers as the proceeds of crime shall, as soon as practicable, be transmitted to the clerk of the board of police, to be duly registered and advertised for the benefit of all persons and parties interested, and for the information of the public as to the amount and disposition of the property so taken into Property taken on suspicion of having been feloniously obtained, etc., to be transmitted to clerk and

advertised.

When same may be delivered to owner.

When it may be detained.

Lost property to be transmitted to clerk to be advertised.

When property to be sold at auction.

When necessary to be read in evidence, to be delivered to any officer on order of court.

In case of conflicting claims, bond to be given before delivery of property.

custody by the police; such property shall be advertised once a week for three weeks in a newspaper published in the city of Buffalo, and at the expiration of three weeks from the time of taking possession thereof by said clerk and not before, the same may, upon demand, be delivered on direction of the board of police to the person from whom it was taken or to any other claimant upon proof being made to the satisfaction of the said board that the person to whom the same shall be delivered is lawfully entitled to the possession thereof; and if after the expiration of said three weeks and after it shall have been advertised three times as above provided, no claim other than that of the person from whom it was taken shall be made then the said property may be delivered to the person from whom it was taken, upon his demanding the same, and making oath before a member of the board of police or the clerk of said board, that he is lawfully entitled to the possession of said property. But if the person from whom such property shall be taken shall be at the time a non-resident of the city of Buffalo, and the board of police shall determine upon examination that the circumstances of suspicion are not such as to justify the detention of the property, then they may direct it to be redelivered to such person at any time before the expiration of said three weeks upon his making the demand and oath above prescribed. If the person from whom such property shall be taken shall be arrested and held for trial for the taking or obtaining such property, the same may be retained by the said clerk until after such person shall have been acquitted or convicted on said trial.

5. All lost property coming into the possession of any member of the police force, and all property taken by any member of said force from any person supposed to be insane, intoxicated, or otherwise incapable of taking care of himself or herself, shall, as soon as practicable, be transmitted to the clerk of the said board, to be duly registered and advertised for the benefit of all persons interested, and shall be delivered to the owners or persons entitled to the possession thereof, upon proof to the satisfaction of said board, or to the clerk thereof, that the person demanding the same is the owner or entitled to the possession of such property.

6. All property or money that shall remain in the custody of the clerk for the period of six months without any lawful claimant thereto, after having been three times advertised in public newspapers, shall be disposed of as follows: Such property shall be sold at public auction, according to the tenor of such advertising, and the proceeds of such sale shall, by the clerk of the board of police, be paid to the treasurer of the city of Buffalo as a part and for the benefit of the police life insurance fund, as shall also such unclaimed money.

7. If any property or money placed in the custody of the clerk shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court; such property shall, however, not be retained in said court, but shall be returned to such clerk, to be disposed of as hereinbefore provided.

8. When conflicting claims shall be made to any money or property, in the custody of the clerk, under the provisions of this section, the said board or the said clerk may require from any claimant, as a condition of the delivery of such money or property to him, that such claimant execute and deliver to the said clerk, to be filed by said clerk in his office, a bond, with sufficient sureties to be approved by said board, conditioned to indemnify and save harmless the said board, and

each and every member thereof, and the said clerk from and against all suits, judgments, demands, causes of action, cost and damages of every nature and description, by reason of or in any manner growing out of the delivery of such money or property to such claimants, and from and against the payment of any and all sums of money which the said board, or either of them, or the said clerk, may be compelled to pay by reason of such delivery; such bonds shall be in such form as the said board shall prescribe, and shall be executed to the board of police of the city of Buffalo as the obligee therein; and for any breach of the condition thereof an action may be maintained thereon in the name of the said board of police as plaintiff, and any recovery thereon shall be in the name of said board, but for the benefit of said board, or either of them, or the said clerk, as to whom the said breach shall have occurred.

Enforcement of ordinances

§ 35. Said board of police shall, at all times, cause the ordinances of the city of Buffalo, not in conflict with the provisions of this act, to be properly enforced. The said board shall also prescribe the uniform and badges of office to be worn by any and all members of the police force; and it shall be the duty of said board, at all times, when consistent with the rules and regulations of the board, and with the requirements of this act, to furnish all information desired.

Uniform and badges of policemen.

Salaries.

§ 36. The mayor, as ex-officio commissioner, shall receive an annual salary of five hundred dollars; the acting commissioner a salary of eighteen hundred dollars per year; the superintendent of police shall receive an annual salary of two thousand dollars as such superintendent, and a further salary of three hundred dollars per year as ex-officio commissioner; the clerk of the board of police shall receive an annual salary of twelve hundred dollars; the surgeon of police shall receive an annual salary of one thousand dollars; each captain of police an annual salary of one thousand dollars. The board of police shall fix the salaries of sergeants of police, patrolmen and doormen before appointment, at not to exceed a salary of nine hundred dollars per annum for sergeants, and eight hundred dollars per annum for patrolmen and doormen. Patrolmen detailed as detectives shall each receive, while so detailed, in addition to his salary as patrolman, compensation at the rate of two hundred and fifty dollars per year. All of such salaries shall be paid monthly, as follows: The board of police shall cause to be made out and presented to the common council of the city of Buffalo monthly, a full and true statement of the amount of salary due each of the members of the board of police, the police force, the justices to the police, and the clerks and employees of the police department. The said common council shall order the payment of the same, out of the police fund, by drafts or warrants on the city treasurer. All accounts for services, labor, material or merchandise furnished the police department, except accounts for executing or endeavoring to execute criminal process, or for arresting or endeavoring to arrest criminals, or for services or expenses payable out of the secret service fund, shall be made out in items and in detail and verified by the oath of the party presenting the same as other accounts, against the city of Buffalo, are required to be made out and verified; certified by the board of police as true and presented to the common council of said city. The common council shall audit and pay such accounts out of the police fund of said city as other accounts against the city are audited and paid. The said common council shall audit and pay all accounts outstanding against the police department of said city at the time the board of police created by this act enter upon their duties as such board.

To be paid monthly.

Board of police to present to common council monthly statement of salaries due.

Common council to order payments.

Accounts for services, etc., to be made out in items and verified.

Council to audit and pay same.

City attorney legal adviser of the board.

§ 37. The city attorney of the city of Buffalo shall be the legal adviser of the board of police; he shall furnish said board legal advice as to the rights, powers and duties of the board and of the police force, and shall prepare a form for all bonds required by this act or by the rules and regulations of the police department, as often and whenever called upon by said board so to do; he shall, also, defend any civil or criminal action or proceeding against the police commissioners or either of them, or against any member of the police force, for acts done in the discharge of his or their duty.

Mayor and commissioner to meet and organize as a board and proceed and appoint supt.

Mayor, commissioner and supt. to meet and organize a board of police, and notify old board.

§ 38. Upon the appointment and qualification of the commissioner of police as mentioned in section four of this act, such commissioner and the mayor of the city of Buffalo shall meet at the office of the mayor and organize as a board and proceed to the appointment of a superintendent of police as provided by section six of this act. Immediately after the appointment and qualification of such superintendent of police, the board of police created and established by this act shall meet at the office of the said mayor and organize as a board of police under this act and forthwith notify the board of police in office at the time of the passage of this act of such organization by leaving a written notice of such organization at the office of the clerk of said last-named board of police, whereupon the terms of office of the commissioners of police in office at the time this act takes effect shall cease, expire and determine. The said last-named commissioners shall, thereupon, turn over to their successors in office, all the property, real and personal, and all books, papers and records in the use or possession of said commissioners or of the board of police whereof such commissioners were members, for the uses and purposes of the board of police created by this act; and the said board of police hereby created are hereby authorized and empowered, immediately upon entering upon the duties of their office, to take possession of and hold the same for such uses and purposes subject to the title which the city of Buffalo may now have therein or thereto, and to all the rights which the said city now has to control the same. The said commissioners of police in office at the time this act takes effect shall, immediately after the expiration of their terms of office, pay over to the treasurer of the city of Buffalo all moneys in their possession or under their control or in the possession or under the control of either of them, belonging to the police fund of said city; said treasurer shall credit the same to the police fund of said city for the use and benefit of the police department hereby created; such last-named commissioners shall also make and deliver to the common council of said city a full and detailed statement, under oath, of the property, books, records and papers delivered by them to their successors in office, together with a full statement of the moneys in their possession or under their control, or in the possession or under the control of either of them, belonging to the police fund of said city at the time their successors entered upon the duties of their office.

Present commissioners of police to turn over property, books, etc., to board of police as created by this act.

Commissioners in office at the time act takes effect to pay over money to treasurer.

To deliver to common council, inventory, under oath, of property, etc.

City to provide for expense of police department.

Annual estimate to be made by board of police.

§ 39. The city of Buffalo shall provide for the payment of the expenses of the police department hereby created. The board of police of said city shall annually, on or before the first day of February, make an estimate of the sums of money necessary for the administration of such department by the said board of police, and for defraying the expenses of such department for the ensuing fiscal year, including all sums necessary for expenses in the execution of criminal process, for office accommodation, for building, hiring, fitting up, altering, repairing, warming, lighting and furnishing police station

houses and all offices and buildings in use or to be in use by the said department; for necessary legal expenses, and all expenses which may necessarily be incurred by reason of any civil or criminal action or proceeding against the police commissioners, or either of them, or against any member of the police force for acts done in the discharge of his or their duty, and the said estimate shall be signed by the board of police, or a majority of them, and shall be by them, on or before the first day of February in each year, transmitted to the comptroller of the city of Buffalo, who shall include such estimate in his annual estimate to the common council of said city of the moneys to be raised by tax for the expenses of the city government as now provided by law; the said common council is hereby empowered, and it shall be its duty, after revising the estimate of said board of police, as now provided for revising the comptroller's estimate, to cause to be raised and collected by tax upon the real and personal property subject to taxation in the city of Buffalo, for the support and maintenance of said police department, a sum of money equal to the amount of the estimate of said board, as revised by the common council as aforesaid, which sum shall be known as the police fund; such fund shall be held by the treasurer of said city, and paid out by him upon drafts or warrants authorized by the common council of said city on account of the expenses of the police department.

Common council, after revising estimate, to raise amount.

§ 40. If, in any year, by reason of any extraordinary and unanticipated expenses necessary to be incurred by the said police department, there shall be a deficiency in the amount provided by said common council to pay the expenses of said department for said year, the said common council is hereby authorized to borrow, on the credit of said city, and pay into the treasury of said city, to the credit of the police fund of said city, so much money as shall be necessary to meet such deficiency, and to authorize the issue of the bonds of said city for the payment of the money so borrowed and the interest thereon, under the corporate seal, signed by the mayor and comptroller of said city, which bonds shall be payable at a period not exceeding one year from the time of the issuing thereof. It shall be the duty of the said common council to provide for the payment of such bonds, with the interest thereon, during the year next following such deficiency, by causing to be raised by tax on the taxable property in the city of Buffalo an amount sufficient therefor. The board of police shall include in their estimate of the expenses of the police department, for the year next succeeding the year in which such deficiency occurred, a sum sufficient to pay such bonds and the interest thereon.

Common council may borrow money to meet any deficiency, to issue bonds therefor, and to provide for the payment of the same.

§ 41. All moneys remaining in the treasury of the city of Buffalo, or in the hands or under the control of the treasurer of the board of police, belonging to the police fund of said city, at the time the board of police created by this act enter upon the duties of their office, shall be applied to the payment of existing liabilities against the police department of the city of Buffalo at that time, and to the payment of the expenses of the police department authorized by this act.

Money remaining in treasury to be applied to payment of existing liabilities.

§ 42. From and after the time when the board of police created and established by this act shall enter upon the duties of their office, the said board of police shall be the board of commissioners of excise in and for the city of Buffalo, with all the powers conferred by chapter one hundred and seventy-five of the laws of eighteen hundred and seventy, upon boards of excise in cities, and subject to all the provisions of said chapter, and there shall be no other board of excise in

Board of police to be board of commissioners of excise.

Power to revoke licenses.

said city. Said board shall have power and authority to revoke any licenses granted by them, or by their immediate predecessors in office, whenever it shall appear to their satisfaction that the person to whom such license shall have been granted is not a person of good moral character, or that such person permits the premises in which liquor is sold pursuant to such license to become disorderly, or any thing to be done or committed therein or thereon contrary to peace or good order.

Fees for licenses.

All fees for licenses which shall be issued by said board of police, acting as such board of commissioners of excise in the city of Buffalo, and all fines and penalties provided for by said chapter, shall be paid to and received by the clerk of the said board of commissioners of excise

Clerk of board of excise.

(which clerk the said board of police acting as a board of commissioners of excise is hereby authorized to appoint) and be by said clerk paid, daily, to the treasurer of the city of Buffalo, and by said treasurer credited to the police fund of said city for the use and benefit thereof, and applied in payment of the expenses of the police department, created and established by this act.

Bond of.

The said clerk of the board of commissioners of excise shall, before he enters upon the duties of his office, execute and file with the city clerk of the city of Buffalo a bond in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the mayor of said city, conditioned for the faithful discharge of his duties as such clerk, and for the accounting for and paying over to the treasurer of the city of Buffalo all moneys which shall come into his hands, or under his control as such clerk. Said bond shall be to the city of Buffalo as the obligee therein, and said city may maintain an action against the said clerk and his sureties on said bond for any breach of the conditions of said bond. The said board may remove said clerk from office at pleasure.

Chap. 720, Laws of 1871, repealed.

§ 43. Chapter seven hundred and twenty of the laws of eighteen hundred and seventy-one, and all acts and parts of acts amendatory thereof, and all acts and parts of acts, statutes, ordinances and provisions inconsistent with the provisions of this act are hereby repealed.

§ 44. This act shall take effect immediately.

CHAP. 437.

AN ACT to amend section sixteen of article third, chapter six, part first of the Revised Statutes.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 16. art. 3, ch. 6, part 1, of Revised Statutes, amended.

SECTION 1. Section sixteen of article third, chapter six, part first of the Revised Statutes is hereby amended so as to read as follows:

Officers to meet on first Monday of Oct. to form board and determine whether any alteration in

§ 16. In every succeeding year the same officers shall meet at the town clerk's office, on the first Monday of October, at ten o'clock in the forenoon, and form a board. They shall determine whether any alteration in the existing election districts be necessary or expedient, and shall have power to make the same, subject to the same restrictions and limitations contained in the last preceding section; and shall, in like manner, make a certificate of such alterations, exhibiting the districts as altered, and their numbers respectively; which certificate shall be filed in the town clerk's office. Such alteration shall not

take effect until after the then next general election, except in case of the alteration, erection or division of a town, or except such alteration of districts shall not affect any inhabited territory in a town in which cases it shall take effect immediately.

election districts if necessary, etc. When alteration to take effect.

CHAP. 438.

AN ACT to legalize the official acts of the supervisor of the town of Eden, Erie county, performed instead of commissioners, provided for by chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine.

PASSED May 27, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts of the supervisor of the town of Eden, Erie county, heretofore performed in place of commissioners authorized by chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine, are hereby declared to be of the same force and effect as though they had been performed by the commissioners of that town provided for by said act.

Official acts legalized.

§ 2. The powers and duties vested in commissioners authorized by chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine, in the town of Eden, Erie county, shall hereafter be vested in the supervisor of said town.

Powers vested in commissioners to be hereafter exercised by supervisors.

§ 3. This act shall take effect immediately.

CHAP. 439.

AN ACT to amend chapter four hundred and fifteen of the laws of eighteen hundred and seventy-seven, entitled "An act for the protection of dairymen, and to prevent deception in sales of butter."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and fifteen of the laws of eighteen hundred and seventy-seven, entitled "An act for the protection of dairymen, and to prevent deception in sales of butter," is hereby amended so as to read as follows:

Sec. 1, ch. 415, Laws of 1877, amended.

§ 1. Every person who shall manufacture for sale, or who shall offer or expose for sale, or shall export to a foreign country by the tub, firkin, box or package, or any greater quantity, any article or substance in semblance of butter not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon the top and also upon the side of every such tub, firkin, box or package of

All packages containing substance in semblance of butter to have "oleomargarine" stamped or marked thereon in

roman letters.

such article or substance the word "oleomargarine" only where it can be plainly seen, in Roman letters which shall be burned on or painted thereon with permanent black paint, in a straight line, and shall be not less than one-half inch in length; and if for export shall also invoice the same and clear the same through the custom house as oleomargarine; and in case of retail sales of such articles or substance, in parcels, the seller shall in all cases sell or offer or expose the same for sale from a tub, firkin, box or package stamped, branded or marked as herein stated, and shall also deliver therewith to the purchaser a printed label bearing the plainly printed word "oleomargarine," only in Roman letters not less than one-half inch in length which shall be printed in a straight line; and every sale of such article or substance or export of the same by the tub, firkin, box or package, or in any greater quantity, not so stamped, branded or marked, and if exported, not invoiced and cleared through the custom house as oleomargarine, and every sale of such article or substance at retail in parcels that shall not be sold from a tub, firkin, box or package, so stamped, branded or marked or without delivery of a label therewith as above stated, is declared to be unlawful and void, and no action upon any contract shall be maintained in any of the courts of this State to recover upon any contract for the sale of any such article or substance not so stamped, branded, marked, labeled or sold.

If for export, same shall be invoiced and cleared as oleomargarine.

If for retail, shall be sold from stamped packages and printed labels given purchaser.

§ 2. Section two of said chapter is hereby amended so as to read as follows:

Penalty for selling or offering to sell, or exporting or having in possession with intent to sell, without complying with first section of this act.

§ 2. Every person who shall sell or offer or expose for sale, or export to a foreign country, or have in his or her possession with intent to sell, by the tub, firkin, box, package or in any greater quantity, any of the said article or substance required by the first section of this act, to be stamped, branded, marked, and if exported, invoiced and cleared through the custom house as oleomargarine, as therein stated, that shall not be so stamped, branded, marked, and if exported, invoiced according to the provisions of this act, or in case of retail sales in parcels, every person who shall sell or offer or expose for sale any of said article or substance without selling, offering or exposing for sale the same, from a tub, firkin, box or package stamped, branded or marked as in said first section stated, or without delivery of a label as required by section one of this act, shall for every such offense forfeit and pay a fine of one hundred dollars, to be recovered, with costs, in any of the courts of this State having cognizance thereof in an action to be prosecuted by any district attorney in the name of the people, and the one-half of such recovery shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

Action by district attorney.

§ 3. Section three of said chapter is hereby amended so as to read as follows:

Selling or offering to sell, or exporting without complying with first section, a misdemeanor.

§ 3. Every person who shall sell or offer or expose for sale, or export to a foreign country, or who shall cause or procure to be sold, offered or exposed for sale by the tub, firkin, box or package or in any greater quantity, any article or substance required by the first section of this act to be stamped, branded, marked, and if exported, invoiced and cleared as therein stated, not so stamped, branded, marked, and if exported, invoiced and cleared; or in case of retail sales in parcels, every person who shall sell or offer or expose for sale, or who shall cause or procure to be sold, offered or exposed for sale, any article or substance required by the first section of this act to be sold, offered or exposed for such sale from a tub, firkin, box or package stamped, branded or

marked, and labeled as therein stated, contrary to the provisions of said section, shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than twenty-five dollars or more one hundred dollars or by imprisonment in the county jail for not less than five or more than thirty days, or by both such fine and imprisonment for each and every offense. Punishment of.

§ 4. This act shall take effect immediately.

CHAP. 440.

AN ACT to provide for the protection of mechanics and others.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who shall hereafter perform any labor in or about the sinking, drilling or completing of any oil well, or any well sunk or drilled for oil, or gas, or other volatile or mineral substances, within the State of New York, or in sinking or drilling any water well, sunk or drilled for the purpose of drilling or operating any such oil well or other well as aforesaid, or who shall erect, build, or furnish any tank or other receptacle for oil, gas or water which shall be built, erected or furnished for any of the purposes aforesaid, or who shall perform any labor, or furnish any materials in or for the building or erecting of such tank or other such receptacle as aforesaid, or who shall furnish any materials for any of the purposes aforesaid, including tubing, casing, sucker-rods, packers or other appurtenances or appliances to any such well as aforesaid, with the consent of the owner, being such owner as in this section hereinafter described, shall, on filing with the county clerk of the county in which the property is situated, the notice prescribed by the next section of this act, have a lien for the value of such labor and materials upon such tank or other receptacle as aforesaid, and upon such well as aforesaid, and appurtenances, and upon the lot, premises, parcel or farm of land upon which the same shall be situated, to the extent of the right, title and interest of the owner of the property, whether owner in fee or of a less estate, or whether lessee for a term of years thereafter, or vendee in possession under a contract existing at the time of the filing of said notice, or any right, title or interest in real estate against which an execution at law may now be issued under the provisions of the statutes in force in this State, relating to liens of judgment and the enforcement thereof. Any person performing work or furnishing materials on oil well to have lien same.

§ 2. Within sixty days after the performance and completion of such labor or the final furnishing of such materials, the contractor, subcontractor, laborer or person furnishing the same, shall file a notice in writing in the office of the clerk of the county where the property is located, specifying the amount of the claim and the person against whom the claim is made, the name of the owner or of the party in interest as aforesaid of the premises, lot, parcel or farm of land, together with a description of said lot, parcel or farm of land. The county clerk shall enter the particulars of such notice in a book to be kept in his office to be called the "lien docket," which shall be suitably ruled Notice to be filed within sixty days. County clerk to enter same in "lien docket."

in columns headed "claimants," "against whom claimed," owners and parties in interest, "amount claimed," and the date of the filing of the notice, hour and minute, what proceedings have been had, the names of the owners and parties in interest and the person against whom the claim is made shall be entered in said book in alphabetical order. A fee of ten cents shall be paid to said clerk on filing said notice, and no lien shall attach to said land, well, tank or other receptacle or appurtenances or appliances, unless said notice shall be filed by said clerk, and when so filed said notice shall thereafter operate as an incumbrance upon said property.

Clerk's fee.

Owner not to be compelled to pay more than the price stipulated.

§ 3. Whenever the labor performed or materials furnished shall be upon the credit of any contractor who shall have made a contract therefor with the owner of the property, or such party in interest as aforesaid, whether such contract shall be oral or in writing, or express or implied, or for any specified sum or otherwise, or on the credit of any sub-contractor or the assignee of any contractor or sub-contractor, the provisions of this act shall not oblige the owner or party in interest as aforesaid, to pay for or on account of any such labor or materials, any greater sum or amount than the price stipulated and agreed to be paid therefor by said contract, or the value of such labor and materials except as in the next section provided.

Notice may be served on owner at time of filing lien, specifying amount of claim, etc.

§ 4. At the time of the filing of said notice prescribed by the second section of this act, the person filing said notice may serve upon the said owner, or party in interest as aforesaid, a written notice specifying the amount of the claim, the name of the person against whom the claim is made, and for what labor or materials the claim is made, which said notice shall be served, by delivering the same to such owner or party in interest as aforesaid personally, or if there shall be two or more of such owners or parties in interest, to either or any one of them, or by leaving the same at the place of residence of such owner or party in interest, or if there be two or more, of either or any one of them, or in case said owner or party in interest shall have no place of residence within the county where such property as aforesaid shall be situated, then by mailing said notice to said owner or party in interest, securely inclosed in a sealed envelope directed to said owner or party in interest at his post-office address, with the postage prepaid thereon, and from the time of the service of such notice as aforesaid, such owner or party in interest shall be liable to said claimant to the amount then due or owing to the contractor, sub-contractor or assignee of such contractor, sub-contractor, upon whose credit such labor shall be performed or materials furnished as hereinbefore provided. And in any case whether the notice above prescribed shall or shall not be served as above provided upon such owner or party in interest as aforesaid, if such owner or party in interest as aforesaid shall pay, or cause to be paid, to any contractor, sub-contractor or assignee, or any other person, any money or other valuable thing for the purpose of avoiding or with intent to avoid any of the provisions of this act, when the amount still due or to grow due to said contractor, sub-contractor or assignee shall be insufficient to satisfy the demands made in conformity with the provisions of this act, the owner or other party in interest as aforesaid shall be liable to the amount that would have been due or owing to said contractor, sub-contractor or assignee, at the time of the filing of the notice in the second section of this act, in the same manner as if no such payment had been made.

Owner liable to amount then due to contractor.

Payments made to contractor to avoid this act not to be allowed as against party filing notice of lien.

Action to foreclose lien.

§ 5. Any contractor, sub-contractor, mechanic, laborer, or other person performing any work or furnishing any materials as above pro-

vided, or the assignee of any such person or persons, may, after such labor has been performed or materials furnished, and the filing of the notice provided by the second section of this act, when the amount of the claim exceeds fifty dollars, bring an action in the supreme court in the county in which the property is situated, or in the county court of said county, to enforce such lien, which action shall be commenced, and the proceedings therein conducted, and judgment entered in the same manner and to the same effect as in actions brought in said courts to enforce liens, provided by chapter four hundred and two of the laws of eighteen hundred and fifty-four, and the several acts amending the same, and the said courts shall have full power to adjust and enforce all the rights and equities between any or all of the parties to such actions, and enforce or protect the same by any of the remedies usual in said courts.

When amount is under $200, it may be brought in justices' court.

§ 6. When the amount of the lien claimed is two hundred dollars or under, the claimant may commence his action in a justice's court of the town or city in which the premises are located, which action shall be commenced, and the proceedings therein conducted and the judgment entered, and transcript filed in the same manner and with the effect as in actions commenced in justices' courts to enforce liens pursuant to said chapter four hundred and two of the laws of eighteen hundred and fifty-four, and the several acts amending the same.

Costs, etc.

§ 7. Costs and disbursements, in actions to enforce liens provided for by this act, shall be allowed to either party upon the principles and by the same rules as are now allowed by law in actions for relief arising on contract, and shall be included in the judgment recovered therein, and the expenses incurred in serving the notice by which such actions shall be commenced by publication may be allowed in justices' courts and added to the amount of costs now allowed in said courts. When the action is brought in the supreme court or in a county court, such direction shall be made in the discretion of the court as to the payment of costs as shall be just and equitable, and the judgment entered shall specify to whom and by whom the costs are to be paid.

Transcripts of judgments may be filed in other counties.

§ 8. A transcript of every judgment rendered under this act shall be furnished by the clerk of the county where rendered and docketed to the successful party, who may file the same with the county clerk of any other county, and the same shall thereafter be a lien on the real property in the county, where the same is filed and docketed, of every person against whom the same is rendered, if for twenty-five dollars or upwards, exclusive of costs, in like manner and to the same extent and enforceable by execution in the same manner, as in other actions for the recovery of money arising on contract.

Execution.

9. Whenever any judgment shall be entered in any such action as aforesaid, execution shall thereupon issue for the enforcement and collection of such judgment in the same manner as executions are issued upon other judgments in actions on contract for the payment of money only, except that when the judgment is in favor of the claimant the execution shall direct the officer to sell the right, title and interest which the owner or other party in interest had in the premises at the time of filing the notice prescribed by the second section of this act, and if the same shall be insufficient to satisfy said judgment, then to collect such deficiency as shall remain out of the personal property of such owner or party in interest, or if there be two or more of either of them, or if sufficient personal property cannot be found, then out of the real property of such owner or party in interest, or if there be two or more, of either of them, in the county to which said

execution is issued, on the day such judgment was docketed in said county, or on any day thereafter. But no such deficiency shall be collected out of any real property, unless such deiency* shall amount to or exceed the sum of twenty-five dollars.

When lien expires.

10. Every lien created under the provisions of this act shall continue until the expiration of six months from the time of filing the notice prescribed in the second section of this act, unless sooner discharged by the court or some legal act of the claimant in the proceedings; but if within such period of six months proceedings are commenced to enforce or foreclose such lien, then such lien shall continue until judgment shall be rendered thereon, and for one year thereafter such lien shall also continue during the pendency of an appeal and for one year after the determination thereof. When a judgment is rendered as aforesaid it may be docketed in any county of this State and enforced as if obtained in an action in a court of record.

Appeals.

§ 11. Appeals from judgments rendered pursuant to this act may be taken by either party in the same manner, within the same time, and subject to the same rules and course of procedure as in appeals taken in civil actions arising on contract, and with like costs and disbursements, and the judgment thereon shall be enforced as judgments on appeal are now enforced and collected. Such appeal shall be had and taken only in the proceeding or action wherein judgment shall be given or rendered, but such appeal shall not operate as a stay of proceedings or in any manner to affect the foreclosure or action of any other claimant or claimants then pending.

Liens to be paid according to privity.

§ 12. The liens created by virtue of the provisions of this act shall be paid and settled according to priority of notice filed with the county clerk as directed by the second section of this act.

Liens, how discharged.

§ 13. All liens created by this act may be discharged as follows: First, by filing with the county clerk a certificate of the claimant or his successor in interest, acknowledged or proved in the same manner as a conveyance of real estate, stating that the lien has been paid or discharged; second, by depositing with the justice before whom, or the clerk of the court in which proceedings shall be commenced to enforce or foreclose said lien, a sum of money equal to double the amount claimed, which money shall thereupon be held subject to the determination of such proceedings; or, third, by an entry of the county clerk made in the book of liens that the proceedings on the part of the claimant have been dismissed by the court or a judgment rendered against the said claimant.

CHAP. 441.

AN ACT to amend chapter one hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to organize and establish a police for the city of Yonkers."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, ch. 163, Laws of 1873, amended.

SECTION 1. Section nine of chapter one hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to

*So in original.

organize and establish a police for the city of Yonkers," is hereby amended so as to read as follows:

§ 9. The said police force shall consist of a captain of police, two sergeants and as many patrolmen as the said board may from time to time determine not exceeding twenty-five; also one police surgeon, two station-house keepers and one hostler. All members of the police force created by this act shall retain their present rank unless promoted by the board of police, except as herein otherwise provided. All other members of the police force authorized by this act shall be appointed by the board of police hereby created, and all vacancies shall be filled by appointments of said board. The said board hereby created shall have power to pass such rules, regulations and orders for the government of the police force as they may deem proper. They shall promulgate all regulations and orders to the force through the captain of police, who shall have the direction and control of said force, subject to the rules and regulations and orders of said board. The treasurer of said board shall execute a bond to the city of Yonkers in such penalty as the board shall determine conditioned for the faithful discharge of his duties as such treasurer. The sureties shall justify before and the bond shall be approved by the mayor of the city of Yonkers, and filed in the office of the clerk of the city.

Police force.

Board, powers of.

Treasurer to give bond.

Sureties to justify.

§ 2. Section twenty-one of said act is hereby amended so as to read as follows:

§ 21. The said board of police shall annually, on or before the fifteenth day of October, fix and determine the amount of moneys to be raised in the annual taxes, for the purpose of paying the expenses of the board and police force by this act established for the year next ensuing, and shall make a requisition in detail for the amount so fixed upon the common council of the city of Yonkers; but such amount shall not exceed in any one year the sum of thirty-seven thousand five hundred dollars. And the common council of the city of Yonkers shall annually levy and assess upon the taxable property in the said city of Yonkers a sum equal to the amount of such requisition, in the manner provided by law for assessing, levying and collecting the city taxes within and for said city. Such moneys when raised by tax shall be paid by the receiver of taxes into the city treasury with other taxes collected by him, and the mayor and city clerk shall on or before the last day in each month draw their warrant on the city treasurer in favor of the board of police, for the sum the commissioners shall certify to be necessary for the expense of the police for the month next ensuing, not exceeding in any one year the amount raised by tax for police purposes. The treasurer shall pay all claims, accounts and demands against the said board of police which shall be allowed by said board, and shall render an account of the state of the finances to the said board as often as they shall require. The said board of police commissioners shall annually, on the first Monday of December in each year, and at such other times as required by the common council of the city of Yonkers, deliver to them a detailed statement of all the accounts of said commissioners, a general statement of all their work, and the condition of their affairs and the state of their finances.

Board to annually and on or before Oct. 15, fix amount of moneys to be raised by tax and make requisition on common council.

Annual tax to be levied by common council.

Treasurer to pay claims and render account.

Annual detailed statement of accounts.

§ 3. Section twenty-four of said act is hereby amended so as to read as follows:

§ 24. The present members of the police force and the different officers named shall respectively receive the following compensation per year for their service: the captain of police, two thousand dollars; each sergeant, sixteen hundred dollars; each patrolman, at the rate of

Compensation.

twelve hundred dollars; the two patrolmen detailed as roundsmen at head-quarters, each thirteen hundred and fifty dollars; each station-house keeper at the rate of six hundred dollars; the hostler at the rate of six hundred dollars; the police surgeon shall receive such compensation as the board may determine, and the board may change the same from time to time as it shall deem proper. The secretary and treasurer shall receive as compensation one per centum on all moneys paid out by him, except to his successor in office, up to March first in the year eighteen hundred and eighty-one, after which no compensation shall be paid to the secretary and treasurer. The board of police may establish a school of instruction, with such rules and regulations as they may deem proper, and all newly appointed patrolmen shall be placed in such school before being assigned to their full duties, and any patrolman who, by want of knowledge of his duties, or who shall become indifferent in the execution thereof, may, in the discretion of the board of police, be reduced and assigned to the school of instruction and remain there during the discretion of the board of police. The salary of all patrolmen assigned to the school of instruction shall be at the rate of seven hundred and fifty dollars per annum, but the rate may be increased from time to time by the board of police, as such officers so assigned shall exhibit proper progress in the knowledge of their duties, and a proper interest in the execution thereof in such school; provided, however, that the salary shall not be increased beyond the rate of one thousand dollars per annum. The salary of all members of said police force hereafter appointed, and of all officers of said force hereafter appointed, including all of the present members of the police force hereafter reduced and assigned to the school of instruction, shall be as determined by said board, but in no case at a greater rate than as follows: The captain, two thousand dollars; each sergeant, fifteen hundred dollars; each patrolman, one thousand dollars; each patrolman detailed as roundsman at head-quarters, at the rate of one hundred dollars per year in addition to the pay he was receiving as patrolman; the police surgeon, at the rate hereinbefore provided; each station-house keeper, six hundred dollars; each hostler, six hundred dollars; each patrolman while in the school of instruction, seven hundred and fifty dollars; but such salary of the patrolmen in the school of instruction may, by said board, be gradually increased, on account of merit, to a sum not exceeding one thousand dollars per annum.

School of instruction.

Salary of patrolmen assigned to.

Limitation on amount of salaries.

§ 4. This act shall take effect immediately.

CHAP. 442.

AN ACT to amend chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 16, ch. 36, Laws of 1873, amended.

SECTION 1. Section sixteen of chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers," is hereby amended so as to read as follows:

§ 16. The common council of the city of Yonkers shall issue, as required by said board of water commissioners, the bonds of said city, to be known as water bonds, for a sum not exceeding six hundred thousand dollars, which shall bear an interest not exceeding seven per centum per annum, payable semi-annually on the first days of April and October in each year. Said bonds shall be payable in sums of fifty thousand dollars in each year, commencing thirty years from April first, eighteen hundred and seventy-three, which bonds shall be signed by the mayor and city clerk of the city of Yonkers; and a record thereof shall be kept in the city clerk's office in said city, and the bonds so issued shall be delivered to said water commissioners to be sold by them at not less than par or nominal value, and the proceeds applied only to carry into effect the provisions of this act. Said bonds before being negotiable shall be countersigned by the president of the water board. The common council of the city of Yonkers shall also issue, as required by said board of water commissioners, the bonds of said city, to be known as water bonds, for the additional sum of forty thousand dollars, which shall bear interest not exceeding six per centum per annum, payable semi-annually, on the first days of April and October in each year. Said additional bonds shall be payable in sums of ten thousand dollars in each year, commencing thirty years from April first, eighteen hundred and eighty, and shall be signed by the mayor and city clerk of the city of Yonkers, and a record thereof shall be kept in the city clerk's office in said city. The bonds so issued shall be delivered to said water commissioners to be sold by them at not less than their par or nominal value, and the proceeds thereof shall be applied only for the purpose of extending water mains in said city, and for the construction and erection of an additional pumping engine and boiler at the Yonkers water-works. Said bonds shall not be negotiable until countersigned by the president of the water board. The said common council shall levy, assess and cause to be collected by tax upon the taxable property within the city of Yonkers the amount necessary to pay the principal of said additional bonds at time of their maturity. The sum required for the payment of interest on said bonds shall, whenever necessary, be raised by the common council, by tax upon the taxable property within said city, in the manner provided in the twenty-eighth section of this act.

Common council to issue bonds as required by water commissioners, not to exceed $600,000.

When to be payable.

$40,000 of water bonds to be issued.

Bonds to be sold by water commissioners.

Tax.

§ 2. Section twenty of said act is hereby amended so as to read as follows:

§ 20. The said board of water commissioners shall, after the introduction of water for general use, establish a scale of rents to be charged and paid to the said board of water commissioners from time to time, either in advance or at such time or times as the water commissioners shall prescribe for the use and supply of water, to be called water rents, on all classes of buildings in said city in which water shall be used, and in the establishment of such scale of rents said board shall have reference to the ordinary or extraordinary uses of said water for dwellings, stores, shops, hotels, factories, livery-stables, wharves, barns and all other buildings, establishments and trades, yards, number of families or occupants or consumption of water for useful or ornamental purposes, as near as may be practicable, and from time to time either modify, amend, increase or diminish such rents, and such board of water commissioners may make and establish ordinances and regulations for enforcing the collection of water rents and manner of using the water, and enforce the observance of the same by imposing fines and penalties not exceeding one hundred dollars in any one case,

Water rents.

Collection of.

to be collected by said board of water commissioners by action against the owner of or occupant of the lot or building upon which such rent is charged, or person violating such ordinance, or by cutting off the use and supply of such water, and their agents or employees shall be authorized at all proper times to enter into any place or building where water is used from supply pipes to examine as to the water, quantity used and manner of using it. The common council of the city of Yonkers shall each year pay to said board of water commissioners the sum of thirty dollars for each and every hydrant in said city supplied with water during said year. The sum of money required to be paid for said hydrant supply shall form part of the water tax mentioned in the twenty-eighth section of this act, and shall be levied, assessed and collected by said common council from the real property within the water district therein mentioned, and in the manner therein provided. The said common council shall during each and every year, out of its contingent fund, pay said board of water commissioners for water used in or upon any premises owned or leased by the city of Yonkers, and occupied for public purposes, except by said water commissioners, at the same rate as established by said board of water commissioners for other consumers of similar quantities, or for premises of similar dimensions.

Common council to pay $30 for each hydrant.

Payments to be made from contingent fund.

§ 3. This act shall take effect immediately.

CHAP. 443.

AN ACT to regulate the appointment and compensation of janitors for the several armories in the county of Kings.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The senior commanding officer or officers of any regiment or regiments or detachments of the national guard, located in any armory in Kings county, which armory is owned by said county or by the State of New York, shall have the power, and they are hereby authorized and empowered to designate and appoint one janitor for each armory respectively, whose duty it shall be to keep the building in proper order and attend to the heating apparatus, if any there be, under the direction of the said senior officer or officers, and on the appointment of such janitors respectively, the term of office of the janitors appointed by the board of supervisors of Kings county shall cease and terminate.

Senior commanding officer to appoint janitor.

Duty of.

§ 2. The compensation of such janitor shall be fixed by the said officer or officers at not to exceed the rate of eight hundred dollars per annum, payable monthly.

Compensation.

§ 3. The board of supervisors of Kings county are hereby authorized and directed to pay such salaries to such janitors upon presentation of a certificate signed by such senior officer or officers that the services were properly rendered.

Board of supervisors to pay on certificate of commanding officer.

§ 4. This act shall take effect immediately.

CHAP. 444.

AN ACT to amend chapter three hundred and twenty of the laws of eighteen hundred and fifty-nine, entitled "An act to amend the incorporation of the village of Lancaster, in the county of Erie."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter three hundred and twenty of the laws of eighteen hundred and fifty-nine, entitled "An act to amend the incorporation of the village of Lancaster, in the county of Erie," is hereby amended so as to read as follows: Sec. 4, ch. 320, Laws of 1859, amended.

§ 4. The annual meeting for the election of officers of said village shall be held on the last Tuesday of March in each year. At least eight days' notice of such annual meeting shall be given by the clerk by posting written or printed notices thereof in six of the most public places in said village. At such annual meeting and at any special election the trustees or any one or more of them shall preside, and all laws of this State in relation to the election of town officers, and notifying them of their election, shall apply to any election of officers of said village held pursuant to the provisions of this act, so far as the same can be so applied and are consistent with the provisions of this act. Every such election shall be held at some convenient place in said village to be designated by the trustees, or a majority of them, which they may procure for that purpose. The polls shall be kept open from seven o'clock in the forenoon to one o'clock in the afternoon. And the time of opening and closing the polls shall be specified in the notice of such election. Annual election. Polls.

§ 2. Subdivision six of section eleven of said act is hereby amended so as to read as follows:

6. For the necessary advances for making and repairing sidewalks and making other improvements authorized by this act when those required shall neglect or refuse to do so, and for procuring the necessary gravel and stone to keep the streets in said village in good condition and repair, and to acquire by purchase or lease any ground suitable for quarrying said stone, and to purchase all necessary tools and machinery for crushing said stone, and for paying for all necessary advances for any of the purposes aforesaid, not to exceed, however, the sum of six hundred dollars in any one year. And the trustees of said village, or a majority of them, shall have full power and authority to carry out the provisions of this section. Tax for gravel, etc., for highways.

CHAP. 445.

AN ACT to amend chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice, and civil proceedings."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 303, ch. 448, Laws of 1876, amended.

SECTION 1. Section three hundred and three of chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice, and civil proceedings," is hereby amended so as to read as follows:

Assessors and clerk to meet and make jury list of not less than six hundred.

§ 303. The assessors of the city of Buffalo and the clerk of the court must, in the month of May in each year, meet at the assessors' office, and make out, certify and file in the clerk's office, a list of not less than six hundred residents of that city, not exempt from jury duty, and qualified to serve as trial jurors in the court. The persons named in such list must be selected from those assessed on the last annual ward assessment rolls of the city, and in making such selection they shall take the names of such only as are:

Must be taken from persons assessed on last roll.

1. Male inhabitants of the city.

Qualifications.

2. Of the age of twenty-one years or upward, and under sixty years old.

3. Who are at the time assessed for personal property belonging to them in their own right, to the amount of two hundred and fifty dollars, or who shall have a freehold estate in real property, in the county, belonging to them in their own right, or in the right of their wives, to the value of one hundred and fifty dollars.

4. In the possession of their natural faculties, and not infirm or decrepid.

5. Free from all legal exceptions; of fair character; of approved integrity; of sound judgment and well informed. The court, at any term thereof, may, from time to time, make an order directing the assessors and the clerk of the court to meet and to make out, certify and file in the clerk's office, within a time specified in the order, a new list of jurors, or a list of any number of additional jurors; and it may punish an omission to obey such an order as a contempt.

Court may order new list made.

§ 2. This act shall take effect immediately.

CHAP. 446.

AN ACT to confirm the official acts of George M. Briggs, Charles Forbes and George W. Brimmer, commissioners of excise in and for the town of Broadalbin, in the county of Fulton.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official acts confirmed.

SECTION 1. All acts and proceedings of George M. Briggs, Charles Forbes and George W. Brimmer, as commissioners of excise in and for

the town of Broadalbin, in the county of Fulton, since the commencement of the term of office for which they were elected, namely: Since the second Tuesday of February, eighteen hundred and seventy-nine, are hereby declared as valid, and of as full effect as if they had executed a proper bond, in due form, to the supervisor of said town of Broadalbin, and such bond had been approved by such supervisor, and as if the said George M. Briggs had filed his official oath of office within ten days after his election to said office, but this act shall not affect the rights of any party to any suit or legal proceedings commenced prior to its passage.

§ 2. This act shall take effect immediately.

CHAP. 447.

AN ACT to incorporate the Holstein Breeders Association of America.

PASSED May 27, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Gerritt S. Miller, Henry C. Hoffman, Edward A. Powell, Charles Houghton, Thomas B. Wales, Jr., Winthrop L. Chenery, William M. Singerly, Solomon Hoxie, Warren C. Brayton, William H. Gifford, George E. Brown, William Fullerton, Edgar Huidekoper, James Neilson, William A. Russell, Dexter Severy, William S. Tilton Paul Rothbarth, Henry Waterman and all other members of the present Voluntary Association of breeders of thoroughbred Holstein cattle, and all other persons at any time hereafter duly associated, as provided by the by-laws, with or succeeding them, under and for the purposes of this charter and act of incorporation, are hereby organized and constituted a body corporate and are a corporation under and by the name of "Holstein Breeders Association of America," for the purposes of improving the breed of thorough bred Holstein cattle; ascertaining, preserving and disseminating, as provided by its by-laws, all useful information and facts as to their pedigrees and desirable qualities, and the distinguishing characteristics of the best specimens; and preparing, publishing and supplying all necessary volumes of the Holstein Herd Book; and generally for promoting and securing the best interests of the importers, breeders and owners of said cattle, and thereby of the public generally, and for the purposes and to attain the objects aforesaid, said corporation is hereby given all necessary power, authority and rights, including the powers and subject to the liabilities prescribed by title three, chapter eighteen of part one of Revised Statutes.

Corporators.

Name and purpose.

§ 2. The officers of said corporation shall be a president, treasurer, secretary, editor of Herd Book, and one or more vice-presidents and not less than three or more than five directors, each or either of which directors may also at the same time be elected to and hold either of said other offices; and said officers shall respectively perform the duties imposed upon them by the by-laws; said officers shall be elected by ballot from and by its members at its annual meeting to be hereafter held on the third Wednesday of March in each and every year, in the city of

Officers.

Syracuse, at its place of business or other convenient place fixed by the by-laws and duly designated by the secretary in his notice, by mail to members of such meeting. The present officers of said Voluntary Association, namely: Edward A. Powell, president; Charles Houghton, secretary; Warren C. Brayton, treasurer; Gerritt S. Miller, vice-president, and their several successors in office, shall remain such and continue to perform the duties of their said respective offices, until re-elected, or until others are elected to said offices under the charter and pursuant to the by-laws; and in case of a vacancy in the office of president, secretary, treasurer or editor by death, resignation or otherwise, said directors may appoint one of their number to and who shall fill such vacancy until the next annual election thereafter.

Present officers to hold till others are elected.

Certificates of membership.

§ 3. Said corporation shall issue its certificate of membership signed by its president and secretary, and sealed with its corporate seal to each of its lawful members, which certificates shall not be transferable, and shall be evidence of membership, and shall entitle its owner, while a member in good standing, to vote personally or by proxy at its meetings, and to all the privileges and advantages of such membership. But said corporation may cancel any certificate, and forfeit and terminate any membership, and all rights and privileges arising therefrom, for his willful disobedience or evasion of its by-laws or other rules and regulations, and for any wrongs committed by him against said corporation, or its property, interest or rights; which forfeiture and eviction shall be cumulative to any other legal remedy said corporation may have against such evicted member.

Meetings.

§ 4. Said corporation may hold such other meetings in addition to said annual meeting, and said annual meetings may be held at such other places than Syracuse, as provided by its by-laws.

By-laws.

§ 5. The by-laws of said corporation may be made and adopted by a majority of its members voting personally or by proxy at its next annual meeting hereafter, and in the meantime its said officers are to be governed by the rules and regulations of said Voluntary Association. Said by-laws may be amended, altered or repealed at any annual meeting by a like vote of its members.

Seal.

§ 6. At the first annual meeting of said corporation, its members shall agree upon and adopt its corporate seal.

Property.

§ 7. All property, rights and interests of said Voluntary Association of every name or nature shall, by virtue of this act, vest in and become the property of this corporation.

Debts.

§ 8. No debts or pecuniary obligations shall be incurred by this corporation, except duly authorized by previous majority vote of all its members.

CHAP. 448.

AN ACT in relation to uncollected taxes in the several towns and wards in this State.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest to be added to uncol-

SECTION 1. When the tax imposed by a board of supervisors, upon any resident tax payer in the several counties, shall be returned by the

collector of any town or ward as unpaid, for want of goods and chattels to satisfy the same, the treasurer of the county in which such taxes are so returned shall add interest to the same at the rate of eight per centum per annum, until the same is returned by said treasurer to the comptroller, which sum so added shall be a lien upon the property assessed, in the same manner and to the same extent as the tax levied by the said board of supervisors. This act shall not apply to any county having a special provision of statute on this subject. collected taxes.

§ 2. This act shall take effect immediately.

CHAP. 449.

AN ACT to amend section twenty-seven, article two, title two, chapter one, part four of the Revised Statutes of the State of New York.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-seven, article two, title two, chapter one, part four of the Revised Statutes of the State of New York is hereby amended so as to read as follows: Sec. 27, art. 2, title 2, ch. 1, part 4, of the R. S., amended.

§ 27. Every person who, from premeditated design, or with intent to kill or commit any felony, shall,

1. Cut out or disable the tongue; or,
2. Put out an eye; or,
3. Slit or destroy the lip, or slit or destroy the nose; or,
4. Cut off or disable any limb or member, of another, on purpose,

upon conviction thereof, shall be imprisoned in a State prison for such term as the court shall prescribe, not less than seven years.

CHAP. 450.

AN ACT to exempt the corporation of the village of Monticello, in Sullivan county, and the trustees and other officers of said village, from the provisions of chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporation of the village of Monticello, in Sullivan county, and the trustees and other officers of said village, are hereby exempted from the provisions of chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes." Village exempt ch. 440, Laws of 1873.

§ 2. This act shall take effect immediately.

CHAP. 451.

AN ACT supplementary to chapter four hundred and forty-one of the laws of eighteen hundred and sixty-four, entitled "An act in relation to the performance of highway labor in Queens county."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chap. 441, Laws of 1864, amended.

SECTION 1. Chapter four hundred and forty-one of the laws of eighteen hundred and sixty-four, entitled "An act in relation to the performance of highway labor in Queens county," is hereby amended by supplementing at the end thereof the following sections:

Not to apply to town of Newtown.

§ 7. Nothing in this act contained shall be applicable to the town of Newtown, Queens county, but the roads and highways in said town of Newtown shall be worked and maintained in the manner hereinafter provided.

Board of highway commissioners.

§ 8. The commissioners of highways of the town of Newtown now in office and their successors, are hereby constituted a board of highway commissioners for the town of Newtown. They shall meet at the

Meeting to organize.

office of the town clerk on the second Monday of April in each year, and shall organize by electing one of their number chairman. In the event of their failure so to do, the commissioner having the shortest

Road districts.

time to serve shall be chairman of such board. The said board may divide or consolidate the road districts of said town, and change or alter the same from year to year as may be necessary or convenient.

Examination of highways and bridges.

§ 9. Immediately upon the organization of said board, the commissioners shall examine all the public highways, including the bridges and culverts thereof, and within thirty days shall make specifications which shall describe the particular nature of the work and the quality and quantity of material required to place each of said highways with the bridges and culverts thereof in a proper state of repair, and shall require the materials to be furnished and the work done previous to the first day of September ensuing, which specifications shall be filed in the office of the town clerk of said town.

Notice of repairs to be made and work done, and of receiving proposals to do same.

§ 10. The said board shall thereupon cause to be posted in at least six public places in each district, within which the highways so to be kept in repair shall be located, printed notices of the filing of such specifications by them, and that sealed estimates or proposals for the performance of the work and the furnishing of the materials therein described, and also proposals for keeping said highways with the culverts and bridges thereof, in repair from the first of September next ensuing, to the first of April of the following year, will be received by them at the office of the said town clerk at a time to be specified in such notices at least ten and not more than twenty days from the posting thereof.

Public letting of work.

§ 11. At the time and place specified in such notices, said board shall meet and publicly open the proposals and estimates presented to them for the immediate repair of the highways and culverts and bridges thereof, or any of them mentioned in said specifications, and also for the keeping of said highways, culverts and bridges in repair from the first day of September next ensuing to the first day of April of the following year, shall be awarded to the lowest bidder or bidders

upon his or their executing and delivering to said board a bond for double the amount of said contract, with two sufficient sureties to be approved by the said board, for the faithful performance of said contract, which bond and contract shall be filed in the office of the clerk of Queens county, and a copy of the same shall be filed in the office of the town clerk of the town of Newtown, by the board of the commissioners of highways, and all bids received by them shall be filed by them in the town clerk's office within one week after the contracts are awarded.

Board to determine amount required each year for highways.

§ 12. The board of highway commissioners shall determine, before the first day of November in each year, the amount of money required by said contracts to repair and keep in repair the highways and culverts and bridges thereof, and shall certify the amount to the board of town auditors who shall certify the same to the board of supervisors for insertion in the tax levy in the same manner as other town charges, but the said sum determined and certified shall in no case exceed ten thousand dollars, and the said sum shall cover all the expenditures for highways, with the culverts and bridges thereof to the first day of April of the following year.

Highway moneys to be paid to supervisor.

§ 13. The receiver of taxes for the town of Newtown shall pay all moneys collected by him for highway purposes to the supervisor of said town.

Certificate of performance of contract.

§ 14. When any contract awarded by the board of highway commissioners shall have been performed to their satisfaction and according to the terms of the said contract the board shall after the expiration of thirty days make and deliver to the person or persons entitled under said contract to receive the same, a certificate reciting the due performance of such contract to their satisfaction, and the amount due thereon.

On receipt of statement of taxpayers, work to be examined, etc.

§ 15. If the board of highway commissioners, or any one of them, shall receive from three tax payers residing in the road district wherein the work has been done a written statement that it has not been performed in accordance with the contract on file in the town clerk's office, it shall on receipt of said notice become the duty of the board of highway commissioners to personally inspect the work referred to in said statement, and prior to such inspection they shall notify the complaining tax payers to be present, specifying the time of such proposed inspection, and no certificate shall be issued upon the contract in question until after such inspection.

Board to enforce contract, etc.

§ 16. It shall be the duty of the said board of highway commissioners to superintend and inspect the work of repairing and keeping in repair the said highways and culverts and bridges thereof, and to enforce the faithful performance of the contracts awarded by them.

Person to draw contracts.

§ 17. The board of highway commissioners may employ a suitable person, not a member of the board, to draw the necessary contracts and specifications and other writing necessary, but the total amount expended for such purposes shall not exceed the sum of two hundred dollars in any one year.

Record of certificates.

§ 18. The board of highway commissioners shall keep in the office of the town clerk a record of all certificates issued by them with the dates, numbers and amounts thereof.

§ 19. All acts and parts of acts inconsistent with the provisions of this act so far as they or either of them relate to the town of Newtown are hereby repealed.

§ 20. This act shall take effect immediately.

CHAP. 452.

AN ACT to authorize joint-stock fire insurance companies to issue policies providing against loss or damage by lightning.

PASSED May 27, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Policies against loss or damage by lightning.

SECTION 1. All joint-stock fire insurance companies organized under the provisions of the general insurance acts known as chapter three hundred and eight of the laws of eighteen hunred and forty-nine, and chapter four hundred and sixty-six of the laws of eighteen hundred and fifty-three, and the acts amendatory thereof and supplemental thereto, are hereby authorized to issue policies providing against loss or damage by lightning.

§ 2. This act shall take effect immediately.

CHAP. 453.

AN ACT to regulate the taking of clams and oysters in the waters of the State of New York on the south side of Staten Island.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Catching or removing clams and oysters in certain waters prohibited.

SECTION 1. No person shall, at any time in the evening or night between a half an hour after sunset and a half an hour before sunrise, dig up, catch, take away or remove, any clams or oysters, whether of natural growth or planted, from the waters of the State of New York, or the land or ground under such waters, at any point or place on the south side of Staten Island, lying between a line extending due south from the point known as the point of the beach at Great Kills, in the town of Southfield, Richmond county, and a line extending due southwest from Ward's Point in the town of Westfield, in said Richmond county.

Penalty.

§ 2. Every person who shall violate the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one hundred and not less than ten dollars, or by imprisonment in the county jail not less than ten nor more than thirty days.

§ 3. This act shall take effect immediately.

CHAP. 454.

AN ACT to change the name of Hamburg Cemetery Association to Prospect Lawn Cemetery Association, and to legalize certain acts of said association.

PASSED May 27, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hamburg Cemetery Association, in the town of Hamburg, Erie county, shall hereafter be known as Prospect Lawn Cemetery Association.

§ 2. All conveyances of burial lots heretofore made by said association by the name of Prospect Lawn Cemetery Association are hereby legalized and made valid.

§ 3. This act shall take effect immediately.

CHAP. 455.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventy-seven of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows: Sec. 77, ch. 555, Laws of 1864, amended.

§ 77. Out of any moneys in the county treasury raised for contingent expenses the treasurer shall pay to the trustees the amount of the taxes so returned as unpaid, and if there are no moneys in the treasury applicable to such purpose, the board of supervisors, at the time of levying said unpaid taxes, as provided in the next section, shall pay to the trustees of the school district the amount thereof by voucher or draft on the county treasurer in the same manner as other county charges are paid. Treasurer to pay out of contingent fund taxes returned as unpaid.

CHAP. 456.

AN ACT to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-six, entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,'" and the acts amendatory of the same.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-nine of chapter four hundred and forty of the laws of eighteen hundred and seventy-six, entitled "An act to Sec. 29, ch. 440, Laws of

1876, amended.

amend an act entitled 'An act to incorporate the city of Cohoes,'" and the acts amendatory of the same, is hereby amended so as to read as follows:

Jurisdiction of recorder.

§ 29. The said recorder shall have authority and jurisdiction in the first instance to hear, try and determine charges for crimes or offenses in the cases enumerated in section first, article first, title third, chapter second of the fourth part of the Revised Statutes, and also all complaints and charges against any person for the commission of any of the acts and offenses designated in the first section of title fifth, chapter twentieth of the first part of the Revised Statutes and the acts amendatory thereof; and also all offenses triable by courts of special sessions in towns and in cities of this State, and also the following charges (which are hereby declared to be offenses and the persons committing the same disorderly persons), to wit: indecent exposure of the person; disturbing the people or public peace, or tending to disturb them or it by noisy, loud and tumultuous conduct; using either loud, vulgar, insulting, abusive or threatening language or behavior, or fighting or quarreling, to the disturbance of the people, or the public peace and quiet, or with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, or having a tendency to create a breach of the peace or incite others to a breach of the peace; improperly assembling in groups without good cause or reason, upon any of the streets, alleys, public places, sidewalks or street corners in said city, and loitering there to the annoyance of the passers-by or of persons doing business in the vicinity, or obstructing or preventing free and unmolested travel of pedestrians; after having been ordered by the police or owner or occupant of adjoining premises to disperse. Upon conviction for any such offenses, said recorder shall have power to punish by fine not exceeding two hundred and fifty dollars, or by imprisonment in the Albany penitentiary at hard labor for a term not exceeding one year, or by both such fine and imprisonment. The provisions of this section shall apply to all of the above designated crimes and offenses, and to all crimes and offenses over and in which said recorder is given jurisdiction by this act, when committed within the city of Cohoes.

Power to punish by fine and imprisonment.

Id.

When any person charged with any crime or offense, jurisdiction of which to hear and determine is conferred upon said recorder by this section or by this act, or shall be charged with habitual drunkenness or disorderly conduct, or petit larceny, first offense, shall be brought before said recorder, such recorder shall, upon conviction of such offender, have power to punish by a fine not exceeding two hundred and fifty dollars, or by imprisonment in the Albany penitentiary at hard labor for a term not exceeding one year, or by both such fine and imprisonment. When the said recorder shall determine that the term of imprisonment of any offender to be sentenced by him shall not exceed thirty days, he shall in his discretion (instead of sentencing such offender to be imprisoned in the said penitentiary for said thirty days) have the power and authority to sentence such offender to be imprisoned in the Cohoes jail or lock-up for a term not exceeding thirty days, or to pay a fine not exceeding two hundred and fifty dollars, or both such fine and imprisonment.

When imprisonment may be in city jail.

§ 2. Section thirty of said chapter is hereby amended so as to read as follows:

Exclusive jurisdiction.

§ 30. When any person charged with any crime or offense specified in the preceding sections, or of any crime or offense of the grade of misdemeanor (except cases of felony and misdemeanors where the pun-

ishment can exceed a fine of two hundred and fifty dollars or one year's imprisonment, either in county jail or penitentiary) shall be brought before such recorder, it shall be his duty forthwith to hear, try and determine such complaint and charge against such person according to the provisions of said article first, title third, chapter second of part fourth of the Revised Statutes, whether the person charged with such crime or offense requests to be tried or not, and no other court or officer shall have jurisdiction to try such person for such crime or offense, nor any jurisdiction to hear or determine any complaint for the same. Before entering upon such trial said recorder may, in his discretion, adjourn the hearing or trial thereof from time to time for the purpose of procuring material testimony, either on the part of the people or the accused, and said recorder may commit the accused to the Cohoes jail until such adjourned day or suffer such accused to go at large upon his or her executing to the people of the State of New York and filing with said recorder a bond with one or more sureties to be approved by him, in a penalty not exceeding five hundred dollars, conditioned for the personal appearance of the accused before said recorder on the day to which said hearing or trial shall be adjourned, or to which the same may thereafter be adjourned, and that he will not depart therefrom without leave of the court and of said recorder. Whenever a defendant tried before a court of special sessions held by said recorder, for any crime or offense, jurisdiction of which is not conferred upon courts of special sessions by the Revised Statutes, shall be convicted, said court shall render judgment thereupon, and inflict such punishment, by fine or imprisonment, or both, as any other court, having jurisdiction of the crime or offense, could inflict or impose, as provided for by statute, and shall have the same power and jurisdiction to sentence and punish the person so convicted as courts of sessions or courts of oyer and terminer have for the same crime or offense, and in all criminal cases triable before said recorder or before a court of special sessions held by said recorder where no punishment therefor has hereinbefore been provided for or given, he shall have the same jurisdiction and power to sentence and punish in such cases as courts of sessions and courts of oyer and terminer have for same offense. Said recorder, after having duly qualified, in accordance with the provisions of this act, shall have the same power and authority to administer oaths, take affidavits and acknowledgments of deeds and other instruments as are possessed by justices of the peace of towns and by mayors and recorders of cities, and shall be entitled to charge the same fees therefor, except from any person or officer acting for or in the business of the city of Cohoes. Said recorder shall further have and exercise within the city of Cohoes the powers given to a county judge by sections two hundred and ninety-two to three hundred and two, inclusive, of the act entitled "An act to amend the act entitled 'An act to simplify and abridge the practice, pleading and proceedings of the courts of this State, passed April eleventh, eighteen hundred and forty-nine," and the amendments thereto. In case of the sickness, absence from the city, disability or inability to act of the said recorder, his powers and duties, except the powers of a county judge, enumerated in this section, are hereby conferred and imposed upon either of the justices of the peace of the said city of Cohoes, to be designated to act for the time being, and during the sickness of said recorder, his absence from the city, or disability or inability to act, by the mayor of the city. In case any warrant issued by said recorder shall be served or returned during his absence from the city or his sickness, his

Adjournments.

When recorder to render judgment.

Power to administer oaths, etc.

May exercise power given to county judge.

In case of sickness, etc., justices of the peace may act for time being.

disability or inability to act, any further proceedings on such warrant may be had before the justice of the peace so designated as hereinbefore provided. Said justice so designated having once entered on the trial or hearing of any criminal action or proceeding, including proceedings in bastardy, under this action and this act, and not otherwise, may proceed to the determination of it. In signing process such justice shall add to his official title "acting as recorder." In case any warrant or process issued by such justice so designated, acting as recorder (while said recorder shall have been prevented from attending to his official duties by reason of sickness, absence from the city, or his disability or inability to act), shall be served or returned when said recorder has resumed his official duties, or in case such justice so designated has arraigned any prisoner or prisoners upon warrants, either issued by himself or said recorder, but has not entered upon the hearing or trial of such prisoner or prisoners, or in case such justice so designated has not entered upon the hearing or trial of any criminal trial or proceeding while acting as such recorder, then said recorder, when he has resumed his official duties, shall have the same power to proceed thereon and therein as though such warrant or process had been issued by him, and as though the persons charged with crime or offenses had been arrested and arraigned before him as such recorder on warrants or process issued by him; and if the warrant or process was issued by said recorder, but no trial had thereon before such justice so designated acting as recorder, to proceed thereon, therein and thereunder the same as if the said recorder had not been absent, but had continuously performed his official duties. During the absence from the city, or sickness of said recorder, or his disability or inability to act, and while said justice so designated shall be acting as recorder, he, said justice so designated, shall have full power and jurisdiction to hear, try and determine, according to the provisions of this act, all criminal cases and proceedings which shall have been adjourned by said recorder, either on warrants issued by said recorder or by said justice so designated acting as recorder. The recorder of said city or justice of the peace acting as such may hear, try and determine, in a summary way, any complaint for any violation of the laws of this State, or the provisions of this act, or of the ordinances and by-laws of the city of Cohoes, in any case where the right to trial by jury is not guaranteed by the constitution, but in all criminal cases in which such right is guaranteed he shall sit as a court of special sessions, and whenever said recorder or justice of the peace acting as such, sitting as a court of special sessions or otherwise, shall try, convict and sentence any person to the Albany penitentiary or Cohoes jail or lock-up, or other place of confinement provided by law, he shall file with the superintendent or keeper of said Albany penitentiary, or Cohoes jail or lock-up, or other place of confinement to which the person may be sentenced, a commitment of the person convicted, and within twenty days thereafter file with the clerk of Albany county at and in the Albany county clerk's office a record of such conviction.

Cases that may be heard in a summary way.

§ 3. This act shall take effect immediately.

CHAP. 457.

AN ACT to amend chapter four hundred and seventy-six of the laws of eighteen hundred and sixty-nine, entitled "An act to establish the office of receiver of taxes in the town of New Rochelle, in the county of Westchester."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and seventy-six of the laws of eighteen hundred and sixty-nine, entitled "An act to establish the office of receiver of taxes in the town of New Rochelle, in the county of Westchester," is hereby amended to read as follows: Sec. 1, ch. 476, Laws of 1869, amended.

§ 1. The office of receiver of taxes is hereby created in and for the town of New Rochelle, in the county of Westchester, to receive and collect all taxes hereafter to be assessed and collected in said town in any of the school districts or corporation thereof. The term of office of receiver of taxes shall be two years, commencing on and after the first day of May, eighteen hundred and eighty-two. Such receiver shall be elected by the electors of said town of New Rochelle, and shall be voted for on a separate ballot indorsed "receiver," in the same manner as a member of assembly is voted for in said town. The said receiver of taxes and assessment shall be elected under this act at the annual town meeting to be held in said town in the year eighteen hundred and eighty-two, and at each alternate town meeting thereafter, except that when a vacancy shall occur in said office, the election for such receiver shall be held at the next town meeting thereafter. Any vacancy in the said office of receiver of taxes may be filled, until a new receiver shall be elected and qualified, by a joint board of the town auditors of the town of New Rochelle, the president and trustees of the village of New Rochelle, the supervisor of the town, and in his absence or upon his refusal or inability to do so, the president of said village shall call said joint board together. The clerk of every town meeting, within ten days thereafter, shall transmit to the person elected as receiver under this act a notice or certificate of his election.

Office of receiver of taxes created.

Term of office.

To be elected.

Vacancies, how to be filled.

Notice to be given person elected.

CHAP. 458.

AN ACT to amend chapter five hundred and twenty-four of the laws of eighteen hundred and fifty-three, entitled "An act to amend an act entitled 'An act to incorporate the Montezuma Turnpike and Bridge Company.'"

PASSED May 27, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter five hundred and twenty-four of the laws of eighteen hundred and fifty-three, entitled "An act to amend an act entitled 'An act to incorporate the Montezuma Turn-

pike and Bridge Company,'" is hereby amended so as to read as follows:

§ 4. This corporation is hereby extended and limited to the period of fifty years from the passage of this act.

§ 2. This act shall take effect immediately.

CHAP. 459.

AN ACT to restrict and regulate the right of the Brooklyn Elevated Railway Company to lay their rails easterly of Schenck avenue, and to and through Woodhaven in the town of Jamaica, county of Queens.

PASSED May 27, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Right to lay rails restricted for five years to surface.

SECTION 1. The right of the Brooklyn Elevated Railway Company to lay their rails easterly of Schenck avenue, and to and through Woodhaven, in the town of Jamaica, county of Queens, is restricted to the laying of rails upon the surface during the period of five years next ensuing from the passage of this act, and their rails shall not be elevated upon the said portion of their route until after the expiration of said five years.

§ 2. Nothing herein contained shall prejudice or affect the rights of the said company as respects the residue of its route.

§ 3. This act shall take effect immediately.

CHAP. 460.

AN ACT to extend the authority of the supreme court in proceedings by writ of mandamus, to correct errors in the determination of boards of county canvassers.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supreme court may require board of county canvassers to correct errors.

SECTION 1. Whenever it shall appear by affidavit that errors have occurred in the determination of the board of county canvassers in any county in this State, the supreme court may, by order, require said board to correct such errors, or show cause why such correction should not be made, and in the event of the failure of said board to make such correction, or show cause as aforesaid, the said court may compel said board by writ of mandamus to correct such errors; and if such board of county canvassers shall have made its determination and dissolved, such court may compel it to reconvene for the purpose of making such corrections. For the purpose of making such corrections as the court shall order, the meeting of the board of county canvassers shall be deemed a continuation of its regular session, and the statement and certificates shall be made and filed as the court shall direct; and so far as the same shall vary from the original certificates and statements, the statements and certificates made under the order of

the court shall stand in lieu thereof, and shall in all places be treated with the same effect as if such corrected statement had been a part of the original required by law.

§ 2. The practice in such proceedings in mandamus shall be the same as in cases of mandamus against a board of supervisors, and for the purpose of service of papers and other proceedings, the board of county canvassers, as organized and existing at the time of making the original canvass, shall be deemed a continuing board. Practice.

CHAP. 461.

AN ACT to regulate the leasing of real estate by the mayor, aldermen and commonalty of the city of New York.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All applications to lease any real estate for the purposes of the mayor, aldermen and commonalty of the city of New York must hereafter be presented to and passed upon by the commissioners of the sinking fund of said city. Applications for leases must be passed upon by commissioners of sinking fund.

§ 2. It shall be the duty of the comptroller of the city, after due inquiry to be made by him, to present to the said commissioners a statement in writing of the facts relating to any real estate proposed to be leased, the purposes for which such lease is required by the city, with his opinion, and the reasons therefor, as to the fair and reasonable rent of said premises. The said commissioners, upon such report, and upon such further inquiry as they in their discretion may make, may authorize a lease of such premises as shall be specified in their resolution, at the rent therein set forth, for a period not exceeding five years, but such lease shall not be authorized except at a fair and reasonable rent, and unless the commissioners are satisfied and shall so express that it would be for the interests of the city that a lease of the premises for the purposes specified should be made. Without the consent of the said commissioners the premises leased shall not be used during the period of the lease for purposes other than specified in said resolution. If the city shall, prior to the making of the lease, have entered upon the possession of the property, the lease may be made to commence as of the date when the occupation commenced. Comptroller to present statement of facts. Commissioners may authorize a lease.

§ 3. The comptroller of the city shall enter into, on behalf of the mayor, aldermen and commonalty of the city, any lease authorized by the commissioners of the sinking fund, as in the preceding section specified. Comptroller to make lease.

§ 4. All laws inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 462.

AN ACT authorizing the construction of a bridge over the Erie canal at Kent street, in the village of Palmyra.

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supt. of public works to construct bridge over canal.

SECTION 1. The superintendent of public works is hereby authorized to construct a bridge over the Erie canal at Kent street, in the village of Palmyra, the said village to bear the expense of constructing the approaches thereto. The erection of said bridge is construed as being within the provisions for ordinary repairs and as instead of the State bridge which formerly crossed the canal at Jessup street, said bridge having been removed.

Appropriation.

§ 2. The sum of one thousand dollars, or so much thereof as may be necessary for the construction of said bridge, is hereby appropriated out of the revenues of the canals.

§ 3. This act shall take effect immediately.

CHAP. 463.

AN ACT to amend chapter six hundred and four of the laws of eighteen hundred and seventy-five, entitled "An act to prevent the deposit of carrion, offal or dead animals in the North and East rivers, or in the bay of New York, or in Raritan bay within the jurisdiction of the State of New York."

PASSED May 27, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of ch. 604, Laws of 1875, amended.

SECTION 1. The title of chapter six hundred and four of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

Title.

An act to protect the shores and bay of New York, and the seaside resorts near New York city, and to prevent the deposit of carrion, offal, dead animals, bedding, or any putrid, offensive, decaying or refuse vegetable or animal matter, or any garbage or sweepings taken from the streets of any city, into the North and East rivers, or in the bay of New York, or Raritan bay within the jurisdiction of the State of New York, or in the waters of Jamaica bay, or in the waters of the Atlantic ocean within three miles of Coney Island, or within three miles of Rockaway beach or Far Rockaway, or within less than one mile beyond the outer bar.

§ 2. Section one of said chapter six hundred and four of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

Not lawful to throw or cast

§ 1. It shall not be lawful for any person or persons to throw or cast any dead animals, carrion, offal, bedding or any putrid, offensive

refuse, decaying or decayed vegetable or animal matter, or any garbage, or any sweepings taken from the streets of any city, into the waters of the North and East rivers, adjoining the counties of New York, Kings, Westchester or Richmond, or in the bay of New York, or in Raritan bay within the jurisdiction of this State, or in the waters of Jamaica bay, or in the waters of the Atlantic ocean within three miles of Coney Island, or within three miles of Rockaway beach or Far Rockaway, or within less than one mile beyond the outer bar, so that the same shall be deposited in deep water. But nothing in this act shall be so construed as to prevent the landing and utilizing of dead animals and offal and the manufacture of fertilizers on Barren Island.

dead animals, etc., into waters of North and East rivers, etc.

§ 3. Section two of said chapter six hundred and four of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

§ 2. It shall not be lawful for any person or persons to sail, navigate or move, or to aid, direct or assist in sailing, navigating or moving, or to be employed upon, or to accompany any boat or vessel containing any such animal or material as is named in section two of this act, through or upon the waters of that part of New York bay known as the Narrows, and lying between Forts Wadsworth and Hamilton, or any part of said bay south of said Narrows, with the intent or for the purpose of throwing or casting such animal or material, or any portion thereof, into the ocean or sea, or in any portion of the waters mentioned in said section two of this act, without a permit, in writing, first obtained therefor from the inspector appointed or to be appointed under said chapter six hundred and four of the laws of eighteen hundred and seventy-five, who shall have the power of granting such permits from time to time as he shall deem proper, and which shall not be inconsistent with the second section of this act, and having such regard to the course and condition of the then existing winds and tides, as in his judgment shall best tend to prevent the subsequent return or deposit of any such contents of said boat or vessel within the waters of this State, if cast upon the waters beyond the jurisdiction thereof.

Not lawful to sail any boat containing any dead animal for purpose of casting same into the ocean without permit.

§ 4. Section six of said chapter six hundred and four of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

§ 6. It shall not be lawful for any person or persons to sail, navigate or move, or to aid, direct or assist in sailing, navigating or moving, or to be employed upon or to accompany any boat or vessel engaged in the transportation of any dead animals, carrion, offal, or any putrid, offensive refuse, decaying or decayed vegetable or animal matter, or any garbage or sweepings taken from the streets of any city, upon the waters aforesaid, unless the same be propelled or moved by steam power; and it shall not be lawful for any steam vessel to tow or carry any of the articles mentioned in this section, unless its name be plainly painted on each side. The more effectually to carry out the object of this act, the sum of fifteen hundred dollars for expenses shall be annually raised by the boards of supervisors of the several counties named in section four of said act, in the same manner and proportion as the salary of the said inspector is raised under said section, and to be apportioned by the comptroller of the State; and the respective treasurers of said counties, or other proper custodians of county moneys, shall receive and pay over the sums so raised to the comptroller of the State, who shall thereupon pay the same to the inspector aforesaid in

Id., as to refuse matter from streets.

Amount to be raised to carry out provisions of this act.

equal quarterly payments. The amount to be raised in the year eighteen hundred and eighty, in addition to the sum required for the ensuing year, shall include also such sum, not exceeding the limit herein prescribed, as shall be sufficient to meet the liabilities incurred or to be incurred for such purposes during the current year; that is to say, the additional sum so to be raised shall bear the same proportion to the said annual sum of fifteen hundred dollars as the time from the passage of this act to the end of the fiscal year shall bear to the whole year. The said shore inspector shall have power to appoint one or more deputies to assist him in his duties, who shall be paid out of said moneys which he shall receive for expenses. The said deputy or deputies shall have the same power as the said shore inspector.

Shore inspectors may appoint one or more deputies.

§ 5. Section seven of said chapter six hundred and four of the laws of eighteen hundred and seventy-five is hereby amended so as to read as follows:

Duty of shore inspector.

§ 7. It shall be the duty of said shore inspector, from time to time, to employ such force of men as shall be sufficient to and who shall remove or cause to be removed or buried all carrion, dead animals, offal, infected bedding and putrid and offensive matter found on or near the shores of Kings county, from the east end of Coney Island to the city line of Brooklyn, and the shores of Staten Island, Richmond county, so as to prevent the same from becoming injurious or detrimental to the public health. The said inspector shall engage and employ such number of men and such vessel or vessels as in his judgment shall be required for the speedy and effectual accomplishment of the objects of this act, the expense whereof shall be paid by the said county of Kings; and the proper officers are hereby directed to cause such amount of money to be raised annually as may be certified by said inspector to be necessary for the purpose for the ensuing year, not exceeding three thousand dollars for any one year, and the same shall be paid by the county treasurer of said county to the persons entitled thereto, upon the certificate or orders of said inspector. The amount to be raised in the year eighteen hundred and eighty, in addition to the sum required for the ensuing year, as aforesaid, shall include also such sum, not exceeding the limit herein prescribed, as shall be sufficient to meet the liabilities incurred or to be incurred for such purposes during the current year; that is to say, the additional sum so to be raised shall bear the same proportion to the said annual sum of three thousand dollars as the time from the passage of this act to the end of the fiscal year shall bear to the whole year.

To engage sufficient men.

Amount to be raised sufficient to include liabilities.

Misdemeanor to violate provisions of this act.

§ 6. Any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and the person so violating the same shall, upon conviction, be punished by the infliction of a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment as is now provided in case of misdemeanors, or both, in the discretion of the court, and may be arrested by the authorities of either of the counties of New York, Kings, Queens, Westchester or Richmond; the courts in said counties, respectively, shall have power and jurisdiction to try said offenders whether the offense be committed within their respective counties or not. Out of any moneys received for fines under this act such sum or sums shall be allowed and paid for the expenses and disbursements attending the arrest as the court or magistrate may deem reasonable and proper.

§ 7. This act shall take effect immediately.

CHAP. 464.

AN ACT to incorporate the National Tent of the National Order of Rechabites.

PASSED May 27, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Herbert Greenland, Elias J. Pendrick, Daniel D. Lowell, Albert M. Burhans, Van Buren Gross, Wilfred A. Robbins, Benjamin B. Roseboom, William W. Baldwin, Robert Hamilton, Orlow D. Blanchard, Nathan Baker, William Dunlop, Russell Marston, William H. Mark, Jesse M. Frost and William V. Smith, and their associates who now are, and such other persons as may hereafter become members of the said association, are hereby created a body politic and corporate by the name of the National Tent of the National Order of Rechabites, and by that name they and their successors forever shall and may have perpetual succession, may sue and be sued, complain and defend in any court, may make and use a common seal, and alter the same at pleasure. Corporators. Name.

§ 2. The object and purpose of said corporation shall be the promotion and extension of the cause of total abstinence from all intoxicating beverages; to secure to its members sympathy and relief in times of sickness and distress, and in the event of death, the decent observance of necessary funeral obsequies; and the publication and dissemination, by sale or otherwise, of books, tracts, periodicals or other printed matter relating to the same. Object and purpose.

§ 3. The management of the affairs and concerns of the said corporation, when the national tent is not in session, shall be vested in and conducted by a board of managers to be from time to time elected by the said society for the transaction of business, of whom not less than four shall constitute a quorum. The first six individuals named in the first section of this act shall be the first board of managers of the said corporation, and they shall continue in office until a new election by the society. The principal business office shall be located at such place as the corporation or board of managers may from time to time determine. Management of affairs. First managers.

§ 4. The said corporation may hire suitable rooms or buildings for their purpose, and make and enter into leases therefor, and may receive by gift, grant, devise, bequest or purchase, and may take, hold and convey real and personal property and estate for the purposes aforesaid, not exceeding in value the sum of one hundred thousand dollars. May hire rooms, etc.

§ 5. The said corporation shall have full power to make and adopt a constitution, and to make and establish such by-laws, rules and regulations as they from time to time may think proper as to their officers and managers; the time, place and manner of electing them; the period of their continuation in office; their removal for good cause; their powers and duties; the compensation they or any of its agents shall receive for their services, which is not inconsistent with the laws of this State or of the United States; the admission, suspension or expulsion of its members, and to establish subordinate tents to enable it to carry out the object of its incorporation. May make constitution, etc.

§ 6. The said corporation shall possess all the powers of an ordinary General powers.

corporation, subject to the provisions of title third, chapter eighteen of part first of the Revised Statutes, so far as the same are applicable.

§ 7. This act shall take effect immediately.

CHAP. 465.

AN ACT to amend chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled "An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York.'"

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 570, Laws of 1872, amended.

SECTION 1. Section one of chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled "An act to ascertain, by proper proofs, the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York,'" is hereby amended so as to read as follows:

Inspectors to form board of registry.

§ 1. The several inspectors who now are or who may be hereafter elected or appointed inspectors of election, for the several election districts in the towns and cities of this State, except in the city and county of New York and in the city of Brooklyn, for the year eighteen hundred and seventy-two, are hereby declared to be a board of registry of elections under this act; and for the purposes herein

Annual meeting.

named, the said inspectors, and their successors in office, shall meet annually, on Tuesday, five weeks previous to the general election, at nine o'clock, in the forenoon, at the place designated for holding the poll of said election, and organize themselves as a board for the purpose of registering the names of the legal voters of such district, and shall sit until nine o'clock in the evening of each day; and for this

Chairman.

purpose they shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath of office, as prescribed by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors. The said board

List of qualified voters to be made.

shall then proceed to make a list of all persons qualified and entitled to vote at the ensuing election, in the election districts of which they are inspectors. Said list, when completed, shall constitute and be

May sit two days at first meeting if

known as the register of electors of said district. The said inspectors, at their first meeting on Tuesday, five weeks preceding the general election, shall have power, if necessary, to sit two days for the pur-

pose of making said list, provided that, at the annual election next prior to said meeting, the number of votes in the district of which they are inspectors exceeded four hundred. number of voters exceed 400.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. The said boards of inspectors shall meet on the Tuesday of the week preceding the day of the general election, at the places designated for holding the polls of election, for the purpose of revising and correcting said lists; and for this purpose, in cities, they shall meet at eight o'clock in the morning, and remain in session until nine o'clock in the evening of that day and the day following, and in other districts they shall meet at nine o'clock in the morning, and remain in session until nine of that day. And they shall then revise, correct, add to and subtract from, and complete the said lists, and shall on that day add to the said list the name of any person who would, on the first Tuesday succeeding the first Monday of November, be entitled, under the provisions of the constitution and laws of this State, to exercise the right of suffrage in their respective election districts. But in making such addition on that day, or on any prior day, they shall not place on the said list the name of any person, except in strict compliance with the provisions of section two and section four hereof, and the other provisions of this act. Meeting to revise lists. Lists to be corrected.

§ 3. In case of any willful neglect, omission or refusal by said board to do any of the acts required by this act, the supreme court of this State shall have power to compel said board to meet on any day between the day herein fixed for the first meeting of said board and the day of election and to perform the act or acts so omitted, neglected or refused, but no member of said board shall receive any compensation for attendance at any meeting under the provisions of this section. Power of supreme court in case of willful neglect, etc.

§ 4. This act shall take effect immediately.

CHAP. 466.

AN ACT making an appropriation for repairs to the State arsenal at Albany and the military property stored therein.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of sixteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the repair of damages, occasioned by fire on the fourteenth day of May, eighteen hundred and eighty, to the State arsenal in the city of Albany, and to repair damages to the military property stored therein and to replace such as may have been destroyed by fire, to be expended upon the audit of the adjutant-general and the approval of the commander-in-chief. Appropriation.

§ 2. This act shall take effect immediately.

CHAP. 467.

AN ACT to further amend chapter two hundred and sixty-two of the laws of eighteen hundred and fifty-five, entitled "An act revising and amending an act entitled 'An act to incorporate the village of Ulster.'"

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 4, ch. 262, Laws of 1855, amended.

SECTION 1. Section four of chapter two hundred and sixty-two of the laws of eighteen hundred and fifty-five, entitled "An act revising and amending an act entitled 'An act to incorporate the village of Ulster,'" is hereby amended so as to read as follows:

Inspectors of election.

§ 4. The president of the board of directors shall, annually, at the meeting of the said board previous to the election for village officers, appoint three of the said directors who shall act as inspectors at all meetings for the election of officers of said village, and also at all meetings when a vote is to be taken by the inhabitants of said village under any of the provisions of this act, and the said directors so appointed inspectors shall have the same power at such meetings as inspectors of elections now have under the laws of this State, and who shall serve as such inspectors for one year after and from their appointment.

Sub. 9, sec. 18, amended.

§ 2. Subdivision nine of section eighteen of said act is hereby amended so as to read as follows:

Health officers, appointment of, duties of, etc.

9. To appoint one or more health officers; to fix and regulate the pay of such officers. The said health officer or officers shall hold his or their offices during the pleasure of the said board of directors, and it shall be the duty of such officer or officers whenever notified by any inhabitant of said village of the existence in said village of any cesspool, sewer, pond, privy, pen or other place which shall be claimed by such inhabitant to be a nuisance, and which may be or become injurious to the public health, to examine the same immediately, and it shall be the duty of the said health officer or officers, if he shall be satisfied after such examination that any such cesspool, sewer, pond, privy, pen or other place exists, and is or may become injurious to public health, he or they shall declare it to be a nuisance, and he or they shall order the owner or owners, occupant or occupants of the premises upon which such nuisance exists to repair, cleanse, destroy or remove the same immediately, and in case such owner or owners, occupant or occupants shall refuse to repair, cleanse, destroy or remove the same as ordered by such officer or officers, then it shall be the duty of the said officer or officers to cause the same to be done immediately, and for such purpose the said officer or officers may employ sufficient assistants to do the same, and the expense incurred by said officer or officers in performing the same shall be a legal charge against the said village, and shall be audited, allowed and paid by the said board of directors as other village claims are allowed and paid. And it shall be the duty of said health officer in connection with the board of directors, under the authority conferred on said board by subdivision nineteen of this section, to assist said board in making and enforcing all necessary regulations to prevent the spread of epidemics or contagious diseases in said village. For the purpose of carrying out the provisions of this

Regulations to prevent spread of contagious diseases.

subdivision, it is hereby made lawful for the said health officer or officers with such assistants as he may desire to enter upon any public or private property in said village. Any person or persons whose duty it shall be under this subdivision to repair, cleanse, destroy or remove any nuisance as hereinbefore provided, who shall refuse to do so when ordered by said officer or officers, shall be subject to a penalty of not less than ten dollars nor more than one hundred dollars, to be sued for by said health officer or officers in the name of the "directors of the village of Saugerties," before any justice of the peace of the town of Saugerties, in the same manner that other penalties are sued for and recovered under the provisions of this act. Penalty.

It is hereby further declared to be a misdemeanor for any owner or owners, occupant or occupants, willfully to refuse to repair, cleanse, destroy or remove any such place or thing which shall have been declared to be a nuisance by such officer or officers, and which may be or may become injurious to the public health, upon the order of such officer or officers, and the person or persons so offending shall, upon conviction thereof, be punished in the county jail for a period not less than ten days nor more than sixty days, or by a fine not exceeding two hundred dollars, or by both such fine and imprisonment. Misdemeanor to refuse to remove nuisances, etc.

§ 3. Subdivision seventeen of section eighteen of said act is hereby amended so as to read as follows: Sub. 17, sec. 18, amended.

17. To prohibit or license the keeping or maintaining of billiard tables, nine or ten pin alleys and bowling saloons, theatrical or circus performances, the exhibition of wild animals, mountebanks and other shows or exhibitions and performances; and for granting any such licenses the said directors shall demand such sum of money and such security against keeping a disorderly house or shop, or the suffering of any gaming, raffling or playing with cards or dice therein, as the directors may deem proper. In case of riots or breach of the peace, any officer authorized by law to arrest any offender by process is hereby fully empowered (and it shall be his duty) to arrest any person or persons engaged in any riot, or in a breach of the peace, summarily and without process if committed in his presence, and arraign him or them before any justice of the peace or police justice of the town of Saugerties, who shall forthwith proceed to try the offender or offenders in like manner as if arrested under due process of law. And for the purpose of this section and to carry its provisions into effect, the several constables of the town of Saugerties are and each of them is hereby constituted a police constable of said village, and it shall be the duty of such police constable to arrest any person or persons engaged in any riot, breach of the peace, disorderly assemblages in the streets, drunkenness or committing any other criminal act, summarily and without process, and bring him or them before the police justice or one of the justices of the peace of the town of Saugerties, who shall forthwith proceed to try the offender or offenders in like manner as if arrested under due process of law. To prohibit or license billiard tables, etc. Arrests in case of riots, etc. Police constables.

§ 4. Section twenty-three of said act is hereby amended so as to read as follows: Sec 23 amended.

§ 23. The directors shall have the power to raise by tax upon the taxable inhabitants of said village, and the property therein liable to taxation, such sum of money as they shall deem proper, but not to exceed the sum of two thousand five hundred dollars in any one year to be expended in the payment of the debts and expenses of the corporation and to carry into effect the several powers and privileges granted by this act. Tax.

Sec. 46 amended.

§ 5. Section forty-six of said act is hereby amended so as to read as follows:

To appoint chief engineer, etc.

§ 46. The board of directors of the said village shall, within thirty days after the passage of this act, and shall annually thereafter at their first meeting in the month of January, elect or appoint a chief engineer, a second assistant engineer, a clerk and treasurer of the fire department of said village.

Sec. 54 amended.

§ 6. Section fifty-four of said act is hereby amended so as to read as follows:

Jurisdiction of justices of the peace.

§ 54. Any justice of the peace of the town of Saugerties shall have jurisdiction in all actions brought to recover fines or penalties for the violation of any of the provisions of the ordinances, by-laws, rules or regulations prescribed by this act in the same manner, and subject to the same duties and liabilities, as justices of the peace in other cases, and the proceedings and judgments rendered by said justice may be appealed from and reviewed in the same manner as is or shall be provided by law in cases of judgments and proceedings of justices of the peace. Said justices shall receive the same fees as is provided by law for similar cases. The fees and compensation of such justices shall be audited and paid, and collected in the same manner as the fees of justices of the peace for similar services. All fines recovered by any of the justices of the said town for the violation of any of the provisions of the ordinances, by-laws, rules or regulations of said village, and in all actions brought in the name of the directors of the village of Saugerties, in which any sum, fine or judgment shall be recovered or received by said justice or any other person receiving the same, shall pay it over to the treasurer of said village. In the last-mentioned suits if judgment is entered the justice shall award costs including witness fees and other legal disbursements to the successful party to the same amount as justices could in a civil action or proceeding before them. In any action brought to recover a penalty imposed for the violation of any of the laws or ordinances of said village, or of the provisions of this act, the same shall be commenced and maintained in the name of the directors of the village of Saugerties, and it shall only be necessary to state in the complaint the title and section or sections of the ordinance or by-laws, or the section of this act alleged to be violated, the time of its passage, and the amount of the penalty claimed, and other facts may be given in evidence, without being stated in the complaint. Equal jurisdiction with the several justices of the peace of the town of Saugerties is hereby conferred on the police justice of the town of Saugerties to hear, try and determine all criminal offenses which may arise for the violation of any of the by-laws, rules, ordinances and regulations of said village, in the same manner, and subject to the same duties and liabilities as is provided for in similar cases by the laws of this State.

Fees of.

Fines.

Costs.

Actions to recover penalties.

Jurisdiction of police justice.

§ 7. This act shall take effect immediately.

CHAP. 468.

AN ACT to amend chapter forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March thirty-one, eighteen hundred and sixty-six," and to define the school district boundaries.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title one of chapter forty-six of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March thirty-one, eighteen hundred and sixty-six," is hereby amended so as to read as follows: Sec. 1, title 1, ch. 46, Laws of 1872, amended.

§ 1. All that district of county hereafter described shall be known and distinguished by the name of "The Village of Middletown," that is to say, all that part of the town of Walkill, in the county of Orange, and State of New York, beginning at a point one mile east as the magnet needle pointed Anno Domini, eighteen hundred and forty-eight, from the center of Franklin square in the village of Middletown, said center of the square is a point equal distant about fifty feet from the east corner of Denton's storehouse, now occupied by Budwig and the south corner of Ferris M. Prouk's drug store, and the north-west angle of Dr. H. Everett's brick building, now occupied as a drug store and express office; said point of beginning is at a stake on the lands of John W. Gardner, at a point one mile on a course of north eighty-nine and one-half degrees, east from the center of Franklin square, in said village, and runs from thence north three and one-half degrees, west seventy-four chains and fifty links to a stone set up on the lands of James B. Crawford, and at a point one hundred and four chains and seventy links from the center of said Franklin square; thence north sixty-six and one-quarter degrees, west eighty chains and thirty links to a point on lands of Henry L. Beakes, one hundred and four chains and seventy links from the center of Franklin square; thence south sixty-eight and three-quarter degrees, west eighty chains and thirty links to a point near the easterly line of the lands of Francis Hughes, and one hundred and four chains and seventy links from the center of Franklin square, thence south twenty-three and three-quarter degrees, west forty-seven chains and seventy-five links to a stake on the asylum farm; thence south twenty-one and a quarter degrees, east ninety-four chains and twenty-three links to a stake on the hill near the old gate-house; thence south sixty-seven degrees, east sixty-two chains and thirty-eight links to a stake in field near the New York, Lake Erie and Western railroad; thence north sixty-eight degrees, east sixty chains to a stake on the Lemon farm; thence north twenty-three degrees, east sixty-two chains and thirty-eight links to the place of beginning, containing an area of about twenty-three hundred and thirty and one-half acres more or less. And said village shall consist of four wards, described as follows: All that part of the same lying in the angle made by a line drawn from the center of Franklin square, through the center of North street and the north plank road to the Boundaries of village. First ward.

northerly bounds of said village, and a line drawn from the center of Franklin square through the center of Main street and the road to Mechanictown to the easterly bounds of said village, shall be the first ward. All that part of said village lying in the angle made by said first-mentioned line, and a line drawn from said starting point through the center of Main street and the road to Mount Hope to the west bounds of said village shall be the second ward. All that part of said village lying in the angle made by the last-mentioned line, and a line drawn from the center of Franklin square through the center of South street and the road leading past the house of William S. Webb, shall be the third ward. All that part of said village lying in the angle made by the last-mentioned line, and a line drawn from the center of Franklin square through the center of Main street and the road to Mechanictown to the easterly line of said village, shall be the fourth ward.

Second ward.

Third ward.

Fourth ward.

School district.

§ 2. All that part of the town of Wallkill included within the corporate limits of the village of Middletown, as defined and extended by the first section of this act, shall hereafter constitute one school district.

§ 3. This act shall take effect immediately.

CHAP. 469.

AN ACT to amend chapter five hundred and fifty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Niagara Grand Island Bridge Company."

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 14, ch. 559, Laws of 1874, amended.

SECTION 1. Section fourteen of chapter five hundred and fifty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Niagara Grand Island Bridge Company," is hereby amended so as to read as follows:

When bridge must be built.

§ 14. If said bridge be not commenced before the first day of July, eighteen hundred and eighty-five, and completed within four years thereafter, said corporation shall from thenceforth cease.

§ 2. Section fifteen of said act is hereby amended so as to read as follows:

Commissioners to locate bridge.

§ 15. James Tillinghast, William Wilkeson, Lewis S. Payne, Harry B. Ransom, Albert B. Williams, Albert P. Laning, John Allen, junior, Edwin D. Worcester, William P. Taylor, and Nicol Kingsmill shall be commissioners, a majority of whom shall, when this act shall have passed and become a law, and as soon thereafter as they may deem expedient, have power to locate said bridge, which location shall not be changed, except by and with the consent of a majority of the commissioners herein named; and appoint some suitable place in the village of Tonawanda to open the books and receive subscriptions to the capital stock of said corporation, of which ten days' public notice shall be given in at least one of the daily newspapers published in the city of Buffalo; and said commissioners may adjourn from time to time as they may deem proper, and open the books for further subscriptions, until the sum of two hundred thousand dollars shall have

To receive subscriptions to capital stock.

been subscribed in the capital stock; and if more than the whole stock shall have been subscribed, the same shall be distributed pro rata among the subscribers.

§ 3. This act shall take effect immediately.

CHAP. 470.

AN ACT to enlarge the powers of the Waterville Opera House Company, limited.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Waterville Opera House Company, limited, organized under chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations," and located in the village of Waterville, Oneida county, New York, is hereby authorized and empowered to build, construct and finish the lower or ground story of the structure to be erected by said company for the object and purposes expressed in its certificate of incorporation, into stores and places for business and to lease or let the same. Lower story of building may be finished for stores or other places of business.

§ 2. This act shall take effect immediately.

CHAP. 471.

AN ACT making an appropriation for the payment of an award made by the canal appraisers.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of eight thousand nine hundred and sixty-nine dollars and sixty-seven cents, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury applicable to the payment of claims for canal damages, for the payment to Joseph Miser, junior, of that amount for an award made to and for him by the board of canal appraisers on the twenty-eighth day of January, eighteen hundred and eighty. Appropriation of $8,969.67.

§ 2. This act shall take effect immediately.

CHAP. 472.

AN ACT in relation to the partition of lands held by husband and wife as joint tenants, tenants in common, or as tenants by entireties.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Husband and wife may make partition between them.

SECTION 1. Whenever husband and wife shall hold any lands or tenements as tenants in common, joint tenants, or as tenants by entireties, they may make partition or division of the same between themselves, and such partition or division, duly executed under their hands and seals, shall be valid and effectual; and when so expressed in the instrument of partition or division, such instrument shall bar the right of dower of the wife in and to the lands and tenements partitioned or divided to the husband.

§ 2. This act shall take effect immediately.

CHAP. 473.

AN ACT to amend chapter three hundred and eighty-one of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter eight hundred and ninety-six of the laws of eighteen hundred and sixty-nine, entitled 'An act to incorporate the Crescent Company, and to extend the time within which the company thereby created may commence operation,'" and to further extend the time within which said company may commence operations.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 381, Laws of 1877, amended.

SECTION 1. Section one of chapter three hundred and eighty-one of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter eight hundred and ninety-six of the laws of eighteen hundred and sixty-nine, entitled 'An act to incorporate the Crescent Company, and to extend the time within which the corporation thereby created may commence operation,'" is hereby amended so as to read as follows:

Sec. 5, ch. 896, Laws of 1869, amended.

§ 1. Section five of chapter eight hundred and ninety-six of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Crescent Company," is hereby amended so as to read as follows:

Corporation may construct a dam across Mohawk river, etc.

§ 5. The said corporation may construct a dam across the Mohawk river opposite the lands belonging to it, or which it may hereafter purchase, next above the aqueduct of the Erie canal across said river at Crescent, Saratoga county, and may also construct and maintain a canal or canals along the bed of said river to their lands, or the lands which may hereafter be purchased by said company below said aqueduct for the purpose of supplying the quantity of water necessary for

the uses and business of the company; and said company may also occupy and use the bed of said river opposite to its lands for the purpose of erecting walls for protection against ice and high water, and for the purpose of erecting factory buildings and such appurtenant structures as may be necessary for the business and operations of said company. The said company may also construct upon the lands belonging to it, or which it may hereafter purchase, lateral canals as may be considered necessary for its specified purpose as aforesaid. It may purchase, build, hire or lease for its use houses, factories, warehouses, wharves and other necessary buildings, and may sell or lease any part or the whole of said property, and also any of the waters of their canals, in such manner as may be deemed most conducive to the interest of the company.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. Section seven of said act is hereby amended so as to read as follows:

Affairs to be managed by board of directors.

§ 7. The affairs of said corporation shall be managed by a board of directors not less than three nor more than nine in number, all of whom shall be stockholders and a majority of them citizens of this State. The first board shall be elected within one month after this act shall go into effect, and hold office till the first annual meeting and till successors shall be chosen. All directors shall be chosen by ballot for the term of one year, and till successors shall be chosen, and have power to fill vacancies in their number, and the majority of stockholders representing a majority of the stock at the annual meetings shall determine, by resolution, the number of such directors. The place of holding the annual meetings shall be at the office of the company in Crescent, and the time shall be fixed by the by-laws. Notice of the annual meeting or the election of directors shall be advertised once in each week for four consecutive weeks next preceding the time of holding the same in a newspaper published at the county seat of Saratoga county.

How chosen.

Annual meetings.

§ 3. Section three of said act is hereby amended so as to read as follows:

Not to be dissolved if it commences operations in two years.

§ 3. The corporation formed pursuant to the authority of the act amended by said chapter three hundred and eighty-one of the laws of eighteen hundred and seventy-seven and by this act shall not be dissolved if it shall commence its operation within two years from the passage of this act.

Not to hold water, etc., to interfere with rights of Cohoes Company.

§ 4. It shall not be lawful for the company formed under this act or under either or any of the acts amended hereby to so use or withhold the water stored within the dam or dams or canals so to be hereafter erected or constructed hereunder, in such manner as to in any way or at any time or season to interfere with any of the rights of the Cohoes Company to which they are entitled by law; and the water used by said Crescent Company through their canals, or by any one using under their grant, shall be returned into the Mohawk river above the dam of the Cohoes Company.

CHAP. 474.

AN ACT enabling any corporation created by act of congress of the United States, to acquire, hold, use and improve real estate for the purposes of an international exhibition.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Any company created by congress may hold international exhibition in this State, take lands, etc.

SECTION 1. It shall be lawful for any corporation created by act of congress of the United States, with power to hold an international exhibition in the State of New York under the supervision and auspices of the national government, by its president, commissioners or their agents, engineers, superintendents or others in their employ, to enter upon all lands or waters within the corporate limits of the city of New York, for the purpose of surveying, exploring, sounding, leveling and laying out the grounds necessary to be used for the holding of the international exhibition provided for by the act of congress aforesaid, and to make such dykes, dams, ditches and drains as may be necessary and of locating the same, and to do and erect all necessary work, structures, buildings and appendages thereon, doing no unnecessary injury to private or other property, and when the grounds, dykes, dams, ditches and drains and the location of other necessary works and structures shall have been determined upon, and a survey of the same duly made and filed by any such corporation, in the office of the clerk of the city and county of New York, it shall then be lawful for any such corporation by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons, in their employ, to enter upon, take possession of, hold, have, and use, occupy, excavate, fill in and grade such lands so surveyed and located; upon any arrangement or agreement entered into by any such corporation and the owners of the said lands, either by purchase, lease or otherwise.

Proceedings to take lands in case company cannot agree with owners.

§ 2. That if any such corporation, or its officers or agents, cannot agree with the owner or owners of such required lands or real estate for the use or purchase thereof; or, if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of any such corporation shall be given in writing, under the oath or affirmation of some engineer or proper agent of such corporation, and also the name or names of the occupant or occupants if known and their residence, if the same can be ascertained, to any justice of the supreme court, who shall cause such corporation to give notice thereof to the person or persons interested if known, and in this State, and if unknown and out of the State, to make publication thereof, as he shall direct, for a term of not more than twenty nor less than ten days, and to assign a particular time and place for the appointment of commissioners, at which time, upon satisfactory evidence to him of the service or publication of such notice, aforesaid, he shall appoint three disinterested persons to act as such commissioner to assess the price or value of said lands or the use thereof, who shall be affirmed or sworn before the said justice faithfully to execute the duties of such appointment, and after like notice to both parties of time and place, shall meet, review the premises and hear the parties and evidence if de-

sired and thereupon make such decision and award together with a description of the said lands and the quantity, by whom owned and how situated and bounded, in writing, under their hands and seals, or the hands and seals of any two of them, to the justice by whom they were appointed, to be by him returned and filed in the office of the said clerk of the city and county of New York, together with all the papers before him relating thereto to be kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the supreme court, at a special term thereof, by proceeding in the form of a petition to said court, with five days' notice in writing to the opposite party, of such appeal, which proceeding shall vest in the said supreme court full right and power to hear and adjudge the same, and upon payment or tender of the sum so found by the commissioners, such corporation shall be deemed to be seized and possessed of all such lands and real estate, appraised as aforesaid, such seizure and possession not to prejudice the right of either party to further appeal, if they or either of them feel aggrieved. But no appeal as herein provided or allowed shall prevent such corporation from taking, using and occupying the said land or lands upon the filing of the aforesaid report, the value and damages being first paid, or upon the refusal to receive the same upon a tender thereof, of the owner or owners thereof being under legal disability, the same being first paid into the United States Trust Company; provided, that nothing in this act shall be so construed as to authorize the said United States international commission to enter upon and use any of the public parks of the city of New York for the purposes of said exhibition, except that by permission of the park commissioners of the said city, the said United States international commission may erect a permanent building or buildings in such public park or parks as may be designated and under such restrictions as may be imposed by said park commissioners.

Id.

Id.

Proviso as to public parks.

§ 3. That the said lands so taken, used, occupied, leased or purchased by any such corporation shall be exempt from taxation so long as used or occupied by any such corporation for the purposes of said exhibition not exceeding the term of five years.

Lands exempt from taxation.

§ 4. That the said United States international commission be and is hereby authorized and empowered to enter upon, close and use for the purposes of said exhibition, any streets, roads and avenues in the city of New York running through or by, or contiguous to the grounds which may be selected for the purposes of said exhibition. And it is hereby declared that such streets, roads and avenues as may be thus entered upon are closed from the time of entering upon them until the first day of January, eighteen hundred and eighty-five, unless sooner given up by said United States international commission; and the said United States international commission shall not be liable for any damage by reason of the closing of such streets, roads or avenues, and when such streets, roads or avenues are no longer needed for the purposes of said exhibition, they shall be restored as nearly as possible to the condition in which they were when entered upon.

May close streets, etc.

CHAP. 475.

AN ACT to provide for the payment to Mrs. Ann Church, widow of the late Sanford E. Church, chief judge of the court of appeals, the chief judge's salary for the unexpired portion of the year eighteen hundred and eighty, since the decease of the late chief judge.

PASSED May 28, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation of $5,990.26.

SECTION 1. For the purpose of paying to Mrs. Ann Church, widow of the late Sanford E. Church, chief judge of the court of appeals, the amount of the salary which would have been earned by Chief Judge Church, had he continued to live, between May fourteenth, eighteen hundred and eighty, the time of his decease, and the first day of January, eighteen hundred and eighty-one, the sum of five thousand nine hundred and ninety dollars and twenty-six cents is hereby appropriated, payable from any moneys not otherwise appropriated, on the warrant of the comptroller.

§ 2. This act shall take effect immediately.

CHAP. 476.

AN ACT to release to Ellen Kennedy and others the right, title and interest of the people of the State of New York in and to certain real estate in the county of Madison, of which Richard Kennedy died seized.

PASSED May 28, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of State released.

SECTION 1. All the estate, interest and property which the people of this State may have acquired by escheat at the death of Richard Kennedy, late of the town of Cazenovia, in the county of Madison and State of New York, in and to the real estate of which the said Richard Kennedy was seized at the time of his death, situated in said county of Madison, is hereby released to Ellen Kennedy, Mary Eggleston, Kate Ryan and Hannah Francis, nieces of said Richard Kennedy; and they and each of them are hereby authorized and empowered to take, hold, devise and convey the same in the same manner and with like effect as if they and each of them had been naturalized.

Not to impair vested rights.

§ 2. Nothing herein contained shall be construed to impair, release, discharge or affect any right, title, claim or interest of any heir at law, legatee, devisee or grantee of said Richard Kennedy, or of any creditor by judgment, mortgage, or otherwise.

§ 3. This act shall take effect immediately.

CHAP. 477.

AN ACT to revise and amend title eleven of chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the city of Binghamton," and the several acts amendatory thereof.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1, Title eleven of chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the city of Binghamton," and the several acts amendatory thereof, are hereby amended so as to read as follows: Title 11, ch. 291, Laws of 1867, amended.

§ 1. There shall be elected annually in each ward of the city one school commissioner. Such election shall be held on the third Tuesday in September, at such place in each ward of said city as shall be appointed by the common council, which shall give ten days' notice of such election by publishing the same in the official and one or more other city newspapers. The inspectors of election of each election district in which the place is situated, appointed as aforesaid, shall hold said election, which shall be conducted in the same manner as the annual city election, and all laws, excepting those providing for the registry of legal voters, applicable to said city election, and to the canvass of the votes cast thereat, and to the certifying of the same, shall apply to said school commissioner election so far as the same are applicable. The polls of such election shall be opened at five o'clock in the afternoon, and shall be continued open until eight o'clock in the afternoon. School commissioners to be elected. Inspectors of election. Polls.

§ 2. The common council shall meet each year on the Thursday next succeeding such election to canvass the votes cast thereat. Each person so elected shall duly qualify and enter upon the duties of his office on the Monday succeeding his election, and continue therein for the term of two years, and until his successor shall have taken the oath of office and become duly qualified to serve therein. Canvass.

§ 3. If, at any election authorized by this act, a commissioner shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, or for any other cause, a special election shall be ordered by the common council within five days from such election, to be held at such place in the ward or wards where such vacancy or vacancies exist, as it shall appoint, and it shall cause such notice as is required for the annual commissioner election, to be published for at least five days previous to such special election. The provisions of law in respect to the annual commissioner election, so far as the same are applicable, shall apply to such special election. Vacancies in the office of school commissioner shall be filled by special election, to be ordered and conducted as provided in this section, within five days after such vacancy shall occur. Special election in case of tie vote.

§ 4. The school commissioners of the several wards, together with the mayor, shall constitute a board, to be styled the "Board of Education of the city of Binghamton," which shall be a corporate body in relation to all the powers and duties conferred by law and this act, and shall serve without compensation. Board of education.

Annual meeting.

§ 5. The board of education shall meet annually on the first Monday after the general commissioner election, at seven and one-half o'clock in the afternoon, and at such other times as it shall by resolution designate. Special meetings may be called by the president of the board, or by any three commissioners, by causing a printed or written notice to be served upon each member of the board, either personally or by leaving the same at least forty-eight hours before the time of such special meeting at his usual place of residence or business with some person of suitable age and discretion. At such annual meeting, the board shall elect a president from its number, who shall hold his office until the next annual meeting of the board, and may appoint a secretary, who shall hold his office during the pleasure of the board. A majority of the board shall constitute a quorum, but a less number may adjourn. Whenever the president shall be absent or unable to act, a president pro tempore shall be appointed.

Special meetings.

President and secretary.

Quorum.

Secretary, duties of.

§ 6. The secretary shall keep a record of the proceedings of the board, which record or a transcript thereof, certified by the president and secretary, shall be received in all courts and places as prima facie evidence of the facts therein set forth. Such record, and all the books, accounts, vouchers and papers of the said board, shall at all times be subject to the inspection of the common council of the city or any committee thereof. The secretary shall perform the duties prescribed by law, and such other duties as the board may impose. In his absence a secretary pro tempore may be appointed, who shall exercise all the powers of the secretary.

Common council may raise by tax amount certified by board of education.

§ 7. The common council of the city of Binghamton shall have power, and it shall be its duty to raise from time to time by tax to be levied upon all the real and personal estate in said city liable to taxation for city or county charges, such sums as may be estimated and certified by the board of education, and determined by the common council to be necessary and proper for any or all the following purposes:

Purchase of sites.

1. To purchase or lease sites for school buildings.

To build, etc., school-houses.

2. To build, purchase, lease, enlarge, alter or repair school-houses, their outhouses and appurtenances, and to improve school-house grounds.

To pay salaries.

3. To pay such part of the salaries of the superintendent and teachers as shall be due after the application to that purpose of the public moneys which may be appropriated and provided therefor by law

To defray expense of library.

4. To defray the expenses of the city school library, including the purchase and repair of cases and furniture therefor, the purchase and rebinding of books, and the salaries of the librarian and assistants; and to purchase, exchange, repair and improve school apparatus and cabinets therefor, and class or text-books for indigent pupils.

To defray ordinary and contingent expenses.

5. To defray the ordinary and contingent expenses of the schools and board of education, including the seating, furnishing, heating, lighting, keeping in order and insuring the several school buildings, and to pay the salary of the secretary and all other expenses not provided for under the four preceding heads. The sums raised or received for said several purposes shall be known respectively as the "site fund," the "building fund," the "teachers' fund," the "library fund," and the "general fund."

Funds.

Fiscal year.

§ 8. The fiscal year of the board of education shall commence on the first day of August in each year. The board shall, on or before the first Monday in April annually, make and certify to the common

Annual estimate.

council a detailed estimate of the amount necessary to be raised by tax for each fund or class of purposes aforesaid for the ensuing fiscal year, and also a statement of the amount received from the State for school purposes during the preceding fiscal year. Upon the reception of said estimate, the common council shall proceed to consider the same, and approve, increase or diminish any or all of said amounts; but the aggregate amount to be raised in any one year for the site and building fund shall not exceed the sum of ten thousand dollars, except as otherwise provided; and the council shall not diminish the aggregate amount to be raised for the teachers' and general funds so that it shall be less than three, nor increase it so that it shall be more than six times the amount received from the State during the preceding year for school purposes. Consideration of same by common council.

§ 9. The common council, after having determined, as aforesaid, the amount necessary and proper to be raised by tax for each fund or class of purposes, shall certify the same to the board of education, and shall cause such amount to be collected with the next general tax for city purposes, and the board of education shall, during the ensuing fiscal year, limit the expenditure so as not to exceed any fund, and not lessen the time each school shall be kept open. In case the board shall, during any fiscal year, authorize expenditures from any fund, in excess of the whole amount of such fund, the city shall not be liable for such excess, but the members of the board of education voting therefor, or any of them, shall be personally liable therefor to the party entitled to payment. Tax.

§ 10. The city treasurer shall receive all moneys appropriated by the State to said city for school purposes, and shall, at the proper time in each year, draw upon the treasurer of Broome county or other proper officer therefor. Duty of city treasurer.

§ 11. All moneys applicable to the maintenance of the schools or library, from whatever source received, shall be paid to the treasurer of the city, and by him placed to the credit of the "Board of Education," and shall be used or paid out only upon its orders, drawn by its secretary, and countersigned by the president; and they shall not draw or countersign any order unless it is authorized by a resolution of the board, nor shall the aggregate amount of orders authorized or drawn exceed the fund then in the treasury applicable to their payment. Moneys to be credited to board.

§ 12. The treasurer shall at all times, when called upon, report to the board the amount of money in his hands to the credit of the "Board of Education." For any default, delinquency or official misconduct in relation to the keeping or payment of any school moneys on the part of the treasurer, the board may cause a suit or suits to be prosecuted in the name of "The City of Binghamton," upon his official bond. Treasurer to make report.

§ 13. The board of education shall have power, and it shall be its duty, subject to the provisions of law and this act: Power of board.

1. To pass such by-laws as it may deem proper for the regulation and exercise of its lawful business and power, and for its own government. By-laws.

2. To organize, establish and maintain such and so many schools in said city, including primary, intermediate, grammar, and high schools, as it shall deem requisite and expedient, and to alter and discontinue the same when necessary. Organization of schools.

3. To have in all respects the superintendence, supervision and management of such schools, and from time to time to adopt, alter, modify and repeal, as it may deem expedient, rules and regulations for their Superintendence.

organization, government and instruction; for the admission of pupils and their transfer from one class or grade to another, or from one school to another, and, generally, for their good order, prosperity and utility.

Sites. 4. To purchase or lease sites for school buildings.

Buildings. 5. To build, purchase, lease, enlarge, alter and repair school buildings and appurtenances, and improve school-house grounds.

Furniture. 6. To purchase, exchange, improve and repair school desks, furniture and apparatus.

Expenses. 7. To defray the ordinary and contingent expenses of the schools and the board of education, the heating and lighting of the school-houses, and the keeping in order and insuring the school buildings and property.

Custody of buildings. 8. To have the care and custody and provide for the safe-keeping of the school buildings and school property belonging to the city, and to see that the ordinances of the common council in relation thereto are observed.

Employment of teachers. 9. To contract with, examine, license and employ all teachers in the public schools of the city, and at its pleasure remove them.

Salaries. 10. To fix and pay out of the moneys appropriated and provided by law and this act for such purposes, the salaries of the superintendent, secretary and librarians, and the wages of teachers and all employees of the board.

Text-books. 11. To prescribe the text-books to be used in the schools, and to compel uniformity in the use of the same, and to furnish the same to indigent pupils and no others, out of any moneys provided for that purpose.

Schools to be free. § 14. The public schools of the city shall be free to all pupils between the ages of six and twenty-one years, who are actual residents of said city, and also to all resident pupils between the ages of five and six years who shall enter school at the commencement of the spring term. The board of education shall decide all questions of residence arising under this section. The said board may allow children of non-residents to attend the schools of said city, and shall prescribe the rates of tuition of such non-residents, and also for all pupils over twenty-one years of age, payable always in advance.

Rates of tuition to non-residents.

High school. § 15. The existing high school shall continue to be recognized as one of the academies of this State, and shall be subject to the visitation of the regents of the university, and shall share in the annual distribution of the literature and other school funds in the same manner, and to the same extent and upon the same conditions as other academies and the academic departments of union free schools, and the regents shall annually pay to the city treasurer for the use of the board of education the distributive share of said funds to which said high school is entitled.

City school library. § 16. The board shall have charge of the city school library, and shall make such rules and regulations concerning the management of the same and prescribing the duties of librarian, as it shall deem proper. It shall provide suitable rooms and furniture for the library, and appoint a librarian, and so many assistant librarians as shall be necessary, who shall hold their positions during the pleasure of the board. It shall have power to make all selections of books for the library and purchase the same; to exchange, repair or dispose of any books or other property of the library, and to defray the ordinary and contingent expenses of the library.

Superintendent. § 17. The board may appoint a superintendent of the public schools

of the city, who shall hold his office during the pleasure of the board. He shall, unless the board otherwise appoint, be the secretary of the board. The superintendent shall be under the control of the board, and it shall establish rules and regulations prescribing his general powers and duties. He shall, under the direction of the board, examine persons proposing to teach in the city schools, and not having a certificate from the superintendent of public instruction or a diploma from the State normal school, and shall, if he finds them qualified, grant them certificates in the forms which are or may be prescribed by the superintendent of public instruction, which certificates may be revoked at any time by the board of education. He shall be paid his salary out of the teachers' fund, and shall receive no compensation for his services as secretary in addition to his salary as superintendent.

Report to supt. of public instruction.

§ 18. Between the first and fifteenth days of October in each year the board shall make to the superintendent of public instruction a report in writing, giving such information as he may require concerning the public schools of the city, and the receipt and expenditure of school moneys during the preceding fiscal year.

Report of receipts, etc.

§ 19. It shall be the duty of the board, at least fifteen days previous to each annual election for school commissioners, to prepare and report to the common council a true and correct statement of the receipts and disbursements under the provisions of this title, during the fiscal year ending on the thirty-first day of July then last past, in which account shall be stated under appropriate heads:

What to contain.

1. The balance in the treasury at the commencement of said fiscal year; the amount raised by city tax; the amount received from the State; from tuition; and from all other sources, specifying them, with the amount received from each source.

2. The amount of the total receipts credited to the site, building, teachers, library and general funds, respectively.

3. The balance in the treasury at the commencement of said fiscal year to the credit of the building fund; the amounts received by said fund from city taxes, and from all other sources, specifying them, with the amount received from each source.

4. The sums paid out from said building fund, specifying the amount paid out under each head of expenditure.

5. A like statement in respect to the site, teachers, library and general funds, respectively, as required in respect to the building fund.

6. The balance in the treasury at the end of said fiscal year, and the amounts remaining to the credit of said several funds, respectively. And the common council shall, ten days before such election, cause the same to be published in the official and one or more other city newspapers.

Title to school property to be vested in the city.

§ 20. The title of the school buildings, sites, furniture, books and all other school property shall be vested in the city of Binghamton; but the board of education may sell and transfer any personal property not needed for the purposes of this act; and such board and the city of Binghamton, in their corporate capacities, by their concurrent action, may, by an instrument executed by both as grantors, sell and convey any of the real property, and all interest of the city therein. The proceeds of the sale of such property to be paid to the treasurer of the city, and be credited to the board of education.

Moneys received to be added to

§ 21. All moneys received for the use of the board from the sale of school property and from other sources than taxes and the State, shall be added to the several funds to be expended for the stated purposes

several funds. thereof, as follows: from the sale, or lease of sites, to the site fund; from the sale, lease or insurance of buildings, to the building fund; from tuition, to the teachers' fund; from the sale of library books and furniture, school books, apparatus and cabinets therefor and from library fines, to the library fund; and from all other sources to the general fund. Moneys added to any fund as aforesaid may be transferred to any other fund by the affirmative vote of two-thirds of all who shall at the time be members of the board; but moneys raised by tax, or provided by the State, for specific purposes, shall not be diverted to other purposes.

Ordinances for preservation of property. § 22. The common council shall have power, and it shall be its duty, to pass such ordinances and regulations as the board of education may report as necessary for the protection, preservation, safe-keeping and care of the school-buildings, lots, libraries, and property belonging to, or connected with, the schools of said city. All penalties for the violation thereof, when collected, shall be paid to the treasurer of the city to the credit of the "board of education," and shall be subject to their order in the same manner as the moneys raised pursuant to the provisions of this title.

Question of raising money may be submitted to electors. § 23. If in the judgment of the board it shall become necessary at any time to raise any larger amount for school purposes than herein provided, the common council may, upon the recommendation of the board, submit to the qualified electors for their determination the question whether the sum required shall be raised by special tax under the provisions of title thirteen of the city charter. Such money, if voted, shall be placed, when collected, to the credit of the "board of education" to be expended by them for the purposes for which it was raised. The restriction in said title as to the amount which may be raised in any one year by special tax shall not apply to a tax voted in pursuance of the provisions of this section, nor shall the tax so voted diminish the amount which might be otherwise raised by special tax for city purposes under the provisions of said title.

Present school commissioners continued. § 24. The present school commissioners of said city shall continue to be school commissioners thereof and members of the board of education provided for by this act, until the expiration of their several terms of office.

Chap. 378, laws of 1876, repealed. § 25. Chapter three hundred and seventy-eight of the laws of eighteen hundred and seventy-six, entitled "An act to provide for the election of school commissioners in the city of Binghamton," and all acts and parts of acts inconsistent with this act are hereby repealed.

§ 26. This act shall take effect immediately.

CHAP. 478.

AN ACT in relation to the temporary relief of the poor of the town of Ulster, Ulster county.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Overseer of poor. SECTION 1. There shall be chosen at the annual town meeting in the town of Ulster only one overseer of the poor for said town.

§ 2. It shall be the duty of the overseer of the poor, within ten days after his election to office, and before he enters upon or discharges any of the duties of the office, to execute to the supervisor of the town a bond with two or more sufficient sureties, to be approved by the supervisor, who shall each be freeholders in said town, and who shall severally justify in double the amount of money authorized to be raised by this act; the affidavits of justification to be in writing, signed by the sureties and indorsed on or attached to said bond. The approval of the supervisor must be indorsed on the bond, and it shall be the duty of the supervisor to file such bond with the town clerk within five days after the same shall have been presented to him for approval. Bond of.

§ 3. The bond to be given by the overseer of the poor shall be in double the amount of money authorized to be raised in said town for the support of the poor therein, and conditioned for the faithful performance of all the duties of his office, and that he will render a just and true account of his receipts and disbursements as such overseer, and of the receipts and expenditure of all moneys which shall come into his hands for the support of the poor in said town, and pay over and account to his successor for all moneys remaining in his hands at the expiration of his term of office, and deliver to his successor on demand all account books and other property pertaining to his office as such overseer. Penalty of bond.

§ 4. The electors of the town of Ulster shall, at their annual town meeting in each year, determine, by ballot, what sum of money, not exceeding one thousand dollars, shall be raised at the next annual levy by the board of supervisors for the support of the poor in said town. The votes given on such question shall be deposited in a separate box to be provided for that purpose, and the amount not exceeding one thousand dollars, receiving the highest number of votes, shall be entered by the town clerk in the minutes of the meeting; he shall deliver a copy thereof to the supervisor of said town who shall lay the same before the board of supervisors at their next annual meeting, to be levied and assessed upon said town for the support of the poor therein. Electors to determine amount to be raised, not exceeding $1,000.

§ 5. The money thus raised, or so much thereof only as may be necessary, shall be used and expended by the overseer of the poor of the said town for the relief and the support of the poor therein, and for no other purpose or use whatever, and the diversion of said moneys, or any part thereof, for any other purpose or use whatever, shall be deemed an embezzlement, and punished accordingly, and the same shall be deemed a breach of the official bond and the sureties therein liable therefor. Money, how to be expended.

§ 6. The said overseer of the poor shall receive an annual salary of one hundred and fifty dollars as a full compensation for all his services as such overseer, and shall not receive or be entitled to any other perquisites or compensation whatever. It shall not be lawful for the overseer of the poor of said town to be concerned, directly or indirectly, in the sale of any goods, merchandise or other property found, furnished or provided by any person whomsoever, for the use of the poor of said town. Nor shall he take or receive any profit, reward or emolument for or on account of any goods, merchandise or other property found, furnished or provided by any person whomsoever, for the use of the poor of said town. A violation of any provision of this act shall be deemed a misdemeanor, and punishable accordingly. Salary of overseer, etc.

§ 7. When any person shall apply for relief to the overseer of the Duty in

respect to applications for relief

poor of said town, he shall fully and diligently inquire into the state and circumstances of the applicant. If it shall appear that the applicant is in such indigent circumstances as to require permanent relief and support, and there is no existing sickness of himself, or any member of his family which, in the opinion of the attending physician, will render his removal dangerous or improper, the said overseer shall, by a written order, cause the poor person to be removed to the county poor-house. No greater sum than fifteen dollars in any one year shall be paid or expended by the overseer of the poor of said town for the relief of any one poor person or one family, without the sanction, in writing, of the town auditors based upon the certificate of the attending physician, that by reason of sickness, lameness, or other physical disability or injury of himself, or in his family, the removal would be dangerous and improper.

Books of accounts and records to be kept by overseer.

§ 8. It shall be the duty of the overseer of the poor of the town of Ulster to enter in a suitable book, to be procured and provided at the expense of the town, a memorandum or account of all matters transacted by him, relating to his official duties, of all poor, excise or other moneys received by him as such overseer of the poor, specifying from whom and on what account, and a specific statement in items of all moneys laid out and disbursed by him, and on what account and for what purpose, and to whom and by what authority, and particularly specifying in each and every case of relief granted or furnished to or for the benefit of any poor person or family, the amount of money and the items of provisions or other necessaries furnished, the age, sex and nativity of each of the parties relieved, and, if relief is for a family, the number, sex and ages of the respective members thereof. Such books shall at all times be open to the inspection of any tax payer of the town at the residence or office of the overseer.

To be laid before town auditors.

§ 9. On Tuesday next preceding the annual town meeting of said town the overseer of the poor shall lay the said original book before the board of town auditors of said town, together with a just and true account of all moneys received and expended by him for the use of the poor of said town, with all vouchers in support thereof, which account shall be verified by the oath of the overseer of the poor. The said board of auditors shall compare said account with the entries in the book aforesaid, and shall examine the vouchers in support thereof, and audit and settle the same, and state the balance due from or to the overseer, as the case may be. The said account shall be filed with the town clerk, together with the vouchers in support thereof, and at every annual town meeting the clerk shall produce such poor account for the preceding year and read the same if required by the meeting.

A refusal to be deemed a breach of the conditions of the bond.

§ 10. In case the overseer of the poor shall neglect or refuse to present such original book, or exhibit such accounts, with the vouchers in support thereof, to the board of town auditors, as provided in the next preceding section, it shall be deemed a breach of his official bond, and it shall be the duty of the supervisor of said town forthwith to prosecute the same. In such action the plaintiff shall be entitled to recover, for the benefit of the poor fund of said town, the sum of one hundred dollars as a penalty, in addition to any balance which may appear to be due and unexpended for legitimate purposes of the poor moneys in the hands of said overseer.

Not lawful for auditors to allow overseer more than

§ 11. It shall not be lawful for the board of town auditors at any meeting to audit or allow to the overseer of the poor a credit for the expenditure of any more money in support of the poor in said town than the amount voted and authorized by the electors at the annual

town meeting in manner aforesaid, and the excise and other poor moneys which may have come into his hands. Nor shall it be lawful for the board of town auditors to allow or audit to any individual, firm or corporation, other than the overseer of the poor, any bills or accounts for moneys expended or supplies furnished for the relief of any of the poor in said town, excepting only to a practicing physician or surgeon, for medicine or medical attendance and surgical aid, or excepting for necessary expenses for burial of poor persons. And the overseer of the poor aforesaid is hereby prohibited from and declared incompetent to create any liability or account against said town, or incur any responsibility in behalf of said town, except as above provided.

amount voted, nor audit any bill for relief of poor, except medical and surgical bills and expense of burials to any other person.

§ 12. The overseer of the poor of said town, except as modified or altered by the provisions of this act, shall have all the powers, perform all the duties, and be liable to all the responsibilities provided in the general statutes of the State.

General powers.

§ 13. In order to provide means for the support of the poor until the collection of the next annual tax levy, it shall be lawful for the supervisor of said town and the overseer of the poor to be elected at the annual town meeting to be held in the month of March, eighteen hundred and eighty, to borrow money from time to time, on the credit of said town, to an amount not exceeding in the whole the sum of one thousand dollars, as the same may become necessary and required for the support and relief of the poor in said town during the time aforesaid; the amount thus borrowed to be raised by the board of supervisors and included in their next annual tax levy, upon the certificate signed by the supervisor and overseer of the poor, specifying the outstanding obligations therefor and to whom; the money raised to be paid to the supervisor of said town on account of said town, and to be applied by him to the payment of the obligations outstanding for the moneys borrowed for the purposes aforesaid.

Supervisor and overseer may borrow money for support of poor till annual tax levy.

§ 14. This act shall take effect immediately.

CHAP. 479.

AN ACT for the better preservation of trees and shrubbery on the islands in Lake George.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who shall willfully remove, hack, hew, cut, deface or otherwise injure any tree, shrub or bush now standing or growing on any of the islands in Lake George belonging to the State, or hereafter shall erect any building thereon (except by consent of the board of commissioners of the land office, in writing) shall be deemed guilty of misdemeanor; and on conviction thereof, shall pay a fine of not less than one dollar, and not exceeding the sum of twenty dollars for each tree, shrub or bush so removed, hacked, hewed, cut, defaced, or otherwise injured, and shall also pay a fine of not less than five dollars for each day that said building is allowed to remain after such conviction. In case when conviction is had for erecting any building the court shall direct the removal of said building within five days

Misdemeanor to injure any tree, etc., on any island in Lake George.

Penalty.

Removal of buildings.

and if the same is not removed, the person so convicted shall pay a fine of five dollars for each day said building remains after said conviction.

Duty of justice on complaint being made.

§ 2. Upon complaint being duly made of any violation of the provisions of the first section of this act, before any justice of the peace in any county bordering on Lake George, it shall be the duty of such justice of the peace to forthwith issue his warrant to any sheriff, deputy sheriff, constable or game constable within his county, to apprehend and bring such offender before such justice of the peace.

Proceedings before justice.

§ 3. Upon such offender being brought before such justice of the peace, such proceedings shall be had as now authorized by law in cases of misdemeanor, and on conviction thereof, the person or persons so convicted shall pay a fine of not less than one dollar, and not exceeding the sum of twenty dollars for each tree, shrub or bush so removed, hacked, hewed, cut, defaced or otherwise injured, and in default of the payment thereof, including the costs of such conviction, shall be committed to the county jail for such number of days as shall equal the number of dollars of such amount of fine and costs.

Moiety to informer.

§ 4. One-half of so much of such fines as shall be collected in pursuance of this act shall be paid to the informer of such misdemeanor.

§ 5. This act shall take effect immediately.

CHAP. 480.

AN ACT to amend chapter four hundred and sixty-seven of the laws of eighteen hundred and seventy, entitled "An act in relation to the county courts."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 467, Laws of 1870, amended.

SECTION 1. Section one of chapter four hundred and sixty-seven of the laws of eighteen hundred and seventy, entitled "An act in relation to the county courts," is hereby amended so as to read as follows:

Jurisdiction of county courts.

§ 1. The county courts, in addition to the powers they now possess, shall have jurisdiction in civil actions where the relief demanded is the recovery of a sum of money not exceeding three thousand dollars, or the recovery of personal property not exceeding in value three thousand dollars, and in which all the defendants are residents of the county in which the action is brought at the time of its commencement, subject to the right of the supreme court upon special motion, for good cause shown, to remove any such action into the supreme court before trial, and also, on such removal being made, to change the venue or place of trial. They shall have such appellate jurisdiction as is now provided by law.

§ 2. This act shall take effect immediately.

CHAP. 481.

AN ACT to amend chapter three hundred and thirty of the laws of eighteen hundred and fifty, entitled "An act reincorporating the village of Little Falls by the name of Rockton," and the acts amendatory thereof.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifty-nine of chapter three hundred and thirty of the laws of eighteen hundred and fifty, entitled "An act reincorporating the village of Little Falls by the name of Rockton," as amended by chapter one hundred and forty-one of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the village of Little Falls, New York," is hereby amended so as to read as follows: Sec. 59, ch. 330, Laws of 1850, amended.

§ 59. The chief of the fire department shall be subject to the direction of the trustees and have the general management and control of the fire department of the village, and it is his duty: Chief of fire department.

1. To see that the public cisterns, reservoirs and other means of providing water, the fire engines, engine, hose, the hooks and ladders, and other means and apparatus for the prevention and extinguishment of fires, at all times are kept in proper condition. Duty of.

2. To be present at all fires and to take the chief direction and general management of the companies.

3. To enter any building, or authorize any assistants to do so, when he has reason to apprehend that any fire-place, stove-pipe or ashes are in a dangerous condition, and to cause the same to be made safe at the expense of the owner or proprietor.

4. To appoint, subject to the approval of the trustees of said village, a first and second assistant of said fire department, who in the absence of the chief of the fire department shall have all the powers and duties of the chief fireman.

5. The chief of the fire department shall be annually elected by the members of the organized fire engine and hook and ladder companies in said village, subject to the approval of the trustees of said village. The foreman of each of said companies shall be inspectors of election, and the polls shall be open by six o'clock in the afternoon of the first Tuesday in April in each year, and shall be held open at least two hours. The place of such election shall be designated by the president of the village, and public notice of at least one week be given thereof in a newspaper published in said village. A certificate of such election shall be immediately made and signed by said inspectors and delivered to the president of said village, who shall submit the same to the trustees for their approval. If the board of trustees approve, the person so elected shall immediately assume the duties of such office. If the trustees disapprove, a new election shall be held at a time and place to be appointed by the president. The second and every subsequent election shall be held in the same manner and with like effect in all respects as the first. The chief of the fire department or his assistants may at any time be suspended or removed by the board of trustees, and a new election called, upon charges preferred for inefficiency or failure in duty, upon due notice thereof and opportunity Election of. If trustees disapprove of person elected, new election to be had.

for defense at a meeting of the board; and the person so suspended and removed shall be ineligible to re-election at such new election or for reappointment.

§ 2. This act shall take effect immediately.

CHAP. 482.

AN ACT authorizing the surrogate of the county of Erie to appoint a stenographer for the surrogate's court of said county.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The surrogate of the county of Erie shall appoint and may at pleasure remove a stenographer for the surrogate's court of said county who shall be entitled to a salary to be fixed by said surrogate, but which shall not exceed nine hundred dollars a year, and to be paid as the salary of the clerk of said surrogate's court is paid.

§ 2. This act shall take effect immediately.

CHAP. 483.

AN ACT to provide for the establishment and management of a permanent fund for the Buffalo Society of Natural Sciences.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Permanent fund placed under control of commissioners.

SECTION 1. The permanent fund for the support of the Buffalo Society of Natural Sciences is hereby recognized and placed under the management and control of a board of five commissioners, to be chosen from the life members of said society, of whom three shall constitute a quorum, and who shall have power to fill all vacancies in their number and to determine the times and places of their meetings, whether regular or special, and the mode of calling special meetings and the manner of notifying the members thereof. The board at the outset shall consist of George E. Hayes, Dexter P. Rumsey, Orsamus H. Marshall, Pascall P. Pratt and Robert P. Wilson. The term of office of said commissioners and of the commissioners hereafter chosen shall be one year.

Commissioners.

Of what fund shall consist

§ 2 The permanent fund shall consist of all the property of every name and nature now in the possession and under the control of the permanent fund committee of the said society, of all moneys hereafter paid for life memberships in the society, of all moneys and property, whether real, personal or mixed, given, bequeathed or devised to the society or to the board of commissioners, excepting the property that is suitable only for the library or museum of the society, or that is specifically given for other purposes, and of all moneys and property given or transferred to the said commissioners by the executive board of the society.

§ 3. It shall be the duty of the permanent fund commissioners to manage and control the said permanent fund; to invest and keep the same invested in the name of the society in stocks and securities of the United States and of this State, and in bonds secured by mortgages on otherwise unincumbered real estate situate within the county of Erie or some adjacent county; to deposit all temporarily uninvested moneys on interest in some solvent bank or banks in the city of Buffalo; to pay over to the treasurer of the society all interest or income of the fund so soon as the same shall come to their hands, and to render to the society, annually, and as often as it shall be thereto required by the executive board, a full account and statement of the fund and of its condition and investment. Investment of same, etc.

§ 4. This act shall take effect immediately.

CHAP. 484.

AN ACT in relation to plank roads and turnpike companies.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever, by oversight or mistake, the officers of any plank road company or turnpike company have neglected to make, file and record in the office of the clerk of the county or counties in which such plank road or turnpike road is located, within one year before the expiration of the term of the corporate existence of such company, and in the office of the secretary of State, the consent provided for in section one of chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-six, and a statement showing the actual capital expended in the construction of any such plank road or turnpike road, exclusive of repairs, together with the consent in writing from the persons owning two-thirds of the capital stock of such company, and a statement of the number of years which they shall desire such corporate existence extended, and the name of each town or ward through or into which said road passes, it shall and may be lawful for such companies to make and file such statements and consents as are provided for in said section one of chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-six, within three months from the time this act takes effect, provided such companies shall have, within the time prescribed by law, obtained the consent of a majority of the board of supervisors of the respective counties in which they may be situate, consenting to the continuance of their or its corporate existence for not more than thirty years. In case of failure to file consent, etc., by mistake, the same may be filed within three months after the passage of this act. Proviso.

§ 2. Whenever any plank road company shall, for any reason, fail to have its corporate existence extended, such portion of the line of said road as was built over lands which were originally purchased by said company for that purpose, and was not previously a public highway, shall not be taken possession or control of by the town in which the same may lie, or be claimed or worked as a public highway, until the said town shall pay over to said company the principal sum of the amounts paid by said company for the same, as shown by the deeds of conveyance therefor, given to said company therefor. Town not to take possession of lands not originally a highway, until payment of amount paid by company.

§ 3. This act shall take effect immediately.

CHAP. 485.

AN ACT to amend chapter two hundred and eighty-five of the laws of eighteen hundred and seventy-four, entitled "An act in reference to the cemetery in the village of Herkimer."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 5, ch. 285, Laws of 1874, amended.

SECTION 1. Section five of chapter two hundred and eighty-five of the laws of eighteen hundred and seventy-four, entitled "An act in reference to the cemetery in the village of Herkimer," is hereby amended so as to read as follows:

Annual election of trustees of cemetery.

§ 5. Hereafter the annual election of the trustees of said cemetery shall be held on the first Tuesday of May in each year at the same place in the village of Herkimer where the last preceding annual election for village officers was held in and for said village, at which election the trustees of said cemetery then in office, or any two of them, shall preside and be the inspectors to receive and canvass the votes and declare the result. The clerk of the board of said trustees, or, in case of his failure to do so, then any two of the said trustees, shall give notice of said election, stating therein the time and place of holding the same, and the name of the outgoing trustee or trustees whose place is to be filled at the election, at least ten days before the time of each annual election, by publishing the same in a newspaper printed in the said village, or by posting printed notices thereof in at least six conspicuous places in the said village, one of which shall be the post-office. Such election shall be by ballot, and none but the owners of lots in said cemetery, who shall appear to be such upon the books of record of the cemetery, shall be entitled to vote. The said trustees shall provide a suitable box in which to deposit the ballots, and they shall keep the polls open at each election from one o'clock in the afternoon untill five o'clock in the afternoon of the day of election; and they shall keep an accurate poll list of the persons voting at such election and file the same, with their certificate of the result, in the office of the clerk of said village, within five days after such election. The first election provided for in this section shall be held on the first Tuesday of May, eighteen hundred and eighty-one, and the present trustees shall continue in office until their successors shall be elected in pursuance of this section.

Notice of.

To be by ballot.

First election.

Duty of trustees.

§ 2. It shall be the duty of the trustees of the said cemetery to make a report at each annual election under the preceding section of all moneys received by them as such trustees, and from what sources received, during the preceding year, and also of all expenditures made by them during the year, and the purposes for which they were made, which report shall be in detail and be verified by the oath of the treasurer of the board, and shall be publicly read at the election by one of the trustees; and such annual report shall be filed in the office of the clerk of the village of Herkimer within five days after the election at which it is read, and it shall be kept as a part of the records of said clerk's office.

Misdemeanor to knowingly

§ 3. Any trustee acting as inspector at any annual election held in pursuance of the provisions of this act, who shall knowingly receive or

count the ballot of a person not entitled to vote at such election, or who shall make a false certificate of the result of any such election, shall be deemed guilty of a misdemeanor; and any person not a lot-owner in such cemetery, who shall offer his vote at any such election, shall also be deemed guilty of a misdemeanor. receive and count ballot of person not entitled to vote, etc.

§ 4. In case any vacancy shall occur in the office of trustee of the said cemetery by death, or otherwise, such vacancy shall be filled for the unexpired term, at the next ensuing election, in the same manner as above provided for the election of trustees; but when a person is balloted for at any election to fill a vacancy in the office of trustee, the ballot shall so indicate. Vacancies in office of trustees.

§ 5. The books and records, including the minutes and proceedings of the trustees of the said cemetery, which, by law, they are required to keep, and also the book containing the treasurer's account, of the funds belonging to said cemetery, shall, at all reasonable times, be open to the inspection of any lot-owner in said cemetery. Books and records.

§ 6. This act shall take effect immediately.

CHAP. 486.

AN ACT to secure the payment of mechanics, laborers and workmen who perform work, also persons furnishing materials toward the erection, altering or repairing buildings, wharves, vaults or any other structure in the cities of the State of New York.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons who shall hereafter, either as contractor, sub-contractor, or in any capacity, under or in pursuance of, or in conformity with any contract, agreement or employment by the owner, lessee or person in possession of any land in any of the cities of the State of New York, perform any work, labor or services, or furnish any materials toward the erection, altering or repairing of any house, vault, wharf, fence or any other structure, or in grading, filling in, excavating or laying walks on any lots of land in the cities of the State of New York, shall, upon filing the notice prescribed in the second section of this act, have a lien for the price or value of such work, labor, services and materials upon such house, vault, wharf, fence, or other structure, and appurtenances, and the lot upon which said grading or excavating is done, or walk laid, to the extent of the right, title and interest of the said owner, lessee or person in possession of said house, vault, wharf, fence or other structure and appurtenances and the land upon which the same stand, at the time of the filing of the notice of claim in the second section of this act specified, or the successors in interest of such owner, lessee or person so in possession taking with notice of said lien. Persons doing work, etc., to have lien. Notice to be filed.

§ 2. At any time before or within thirty days after the completion of the erection, altering or repairing of any house, vault, wharf, fence or structure, or grading, filling in, excavating, or laying walks on any lot of land in the said cities of the State of New York, the persons so performing such work, labor or services, or furnishing such materials, may file with the clerk of the county where the land or premises are When notice to be filed, and what to contain.

situated, a notice in writing stating his or their residences, the amount of the claim, from whom due, and if not due, when it will be due, the person or persons against whom the claim is made, the name of the owner, lessee, or person in possession of the building (against whose interest a lien is claimed), but the failure to state the name of the true owner, lessee or person in possession shall not impair the validity of the lien; also a brief description of the buildings or premises sufficient to identify the lands or premises against which the lien is claimed. The said notice of lien shall be verified by the person or persons making the claim, or his or their agent, or any other person, to the effect that the statements therein contained are true, to the best of his or their knowledge, information and belief. Successive liens may be filed for work, labor, services and materials done and furnished, under one contract or employment, but the filing of any such lien or liens shall not entitle the person so filing the same to recover judgment for the amount of such lien or liens unless he shall be entitled to receive payment by the terms of the contract, or agreement, or employment, and in case of sub-contractors or persons doing work or furnishing materials to contractors, no judgment shall be rendered for any greater amount than the amount which shall be due from the owner to the contractor at the time of the filing of the lien, or which may become due afterward, or which by the terms of the contract or agreement shall be due at the time of the rendering of such judgment.

To be verified.

Successive liens may be filed.

Priority of liens.

§ 3. Where an owner of lands contracts with a builder for the sale of lots and the erection of buildings thereon, and agrees to advance moneys toward the erection of such buildings, the lien hereinbefore authorized shall have priority to all advances made after the filing of said notices of lien. And the lien shall attach to the right, title and interest of the owner in said building and land to the extent of all advances which shall have become due after the filing of such lien, and shall also attach to and be a lien on the right, title and interest of the person so agreeing to purchase said land at the time of the filing of said notices of lien.

Lien docket.

§ 4. The county clerk shall enter in a lien docket the name and residence of the claimant, the person against whom claimed, the amount claimed, the date of filing, and a brief description of the premises affected. He shall be entitled to receive a fee of ten cents for each lien filed.

Liens to cease at end of year unless notice of lis pendens, etc.

§ 5. Liens shall in all cases cease after one year from date of filing unless an action shall be commenced, and a notice of lis pendens filed with the clerk of the county wherein the premises are situated, or an order made continuing the lien for another year; in the latter case the county clerk shall, upon filing such order, make a new docket of such lien. Successive orders and new dockets may be made in the discretion of the court.

Discharge of lien.

§ 6. The lien may be discharged as follows:

1. By filing a certificate of the claimant or his successor in interest, acknowledged or proved in the same manner as the satisfaction of a mortgage, stating that the lien is discharged.

2. By depositing with the county clerk, if before suit is commenced, a sum of money equal to the amount claimed; and if suit shall have been commenced, a sum equal to the amount claimed; and such sum in addition as shall be ordered by a judge of the court in which the action shall have been commenced, as security for the costs of the action; such deposit, after suit brought, to be made on notice or on

an order to show cause directed to the plaintiff in the action or his attorney.

3. By the expiration of one year after the filing of said lien without any order being made continuing the same or notice of lis pendens filed as aforesaid.

§ 7. The liens provided under this act shall be enforced by civil action commenced in any court of record in said city, having equitable jurisdiction, by any persons claimant, the original or sub-contractor, or an assignee thereof, or contractor against any property affected thereby, at any time within one year from the filing of such lien. Such action shall be commenced, carried on and judgment entered and enforced as provided in an action to foreclose a mortgage in the Code of Civil Procedure, and the plaintiff shall make all other parties who have filed subsequent liens under this act, or have any prior record, claims or liens upon said premises and their appurtenances, defendants in such action. And the court shall determine the priority of the liens, the amounts due thereon, and the rights of the respective parties, and render judgment accordingly. The court may also render personal judgment against or in favor of any party to the action. Costs for or against the parties litigant shall be in the discretion of the court. Civil action to foreclose lien.

§ 8. When separate actions are brought to foreclose liens against the same property, the court may, on motion, consolidate them. Consolidation of actions.

§ 9. Appeals in actions to enforce liens, provided for in this act, may be taken in the same manner and within the time, and shall be governed by the same rules and practice as prevail in actions for the foreclosure of mortgages. Appeals.

§ 10. Buildings and property used for public purposes are especially excepted from the operation or effect of this act. Public buildings exempt.

§ 11. This act shall not apply to the city of Buffalo.

§ 12. This act shall take effect immediately.

CHAP. 487.

AN ACT to amend chapter seven hundred and seventeen of the laws of eighteen hundred and seventy, entitled "An act to authorize the sale of real estate in which any widow is or shall be entitled to dower in satisfaction and discharge thereof."

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter seven hundred and seventeen of the laws of eighteen hundred and seventy, entitled "An act to authorize the sale of real estate in which any widow is or shall be entitled to dower in satisfaction and discharge thereof," is hereby amended so as to read as follows: Sec. 7, ch. 717, Laws 1870, amended.

§ 7. Whenever the personal estate of any insane or lunatic widow entitled to dower in any real estate shall be insufficient for the payment of her debts, or for her support, or when it appears to be for the best interest and advantage of the estate of any such insane or lunatic widow that her dower interest in any real estate should be con- When committee of insane or lunatic widow may apply to su-

Supreme court to sell dower interest.

verted into money, her committee may apply to the supreme court by petition, praying for authority to institute an action in the name of such insane or lunatic widow, under and in accordance with the provisions of the act hereby amended, to procure the sale of the real estate which is or shall be subject to her dower, in order that such dower right may be satisfied by the payment to such committee of a gross sum in lieu thereof. Such petition shall set forth the particulars as to the amount of such personal estate; the estimated value of such dower right, and an account of the debts and demands existing against such widow, or against her estate, together with such reasons as may exist for making the application. If, upon the presentation of such petition, the court shall become satisfied that the representations and allegations therein contained are true, it may in its discretion make an order granting the prayer of such petitioner for the authority herein specified. The consent to accept a sum in lieu of dower, required by the first section of the act hereby amended, may be executed and acknowledged by the committee of any such lunatic or insane doweress; and when so executed and acknowledged by such committee, shall be as effectual as if the same had been done by such doweress in person while of sound mind. The gross sum of money, in satisfaction and lieu of such dower, shall be paid to such committee upon giving such further security therefor as the court may require. And such committee shall account for such money so received by him as if the same had originally formed a part of the personal estate of such lunatic or insane widow.

What petition must set forth.

Consent may be executed by committee.

Gross sum to be paid.

CHAP. 488.

AN ACT to empower the board of trustees of the village of West Troy to construct a sewer in Utica street in said village.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sewer in Utica street.

SECTION 1. The board of trustees of the village of West Troy, in the county of Albany, are hereby empowered and directed to construct, or cause to be constructed, in such manner as said board shall deem proper, a sewer in Utica street, in said village, from West street to George street, of sufficient capacity to carry off the surface and drain water in and upon said Utica street.

Expense not to exceed $300.

§ 2. The expenses of the construction of such sewer shall not exceed the sum of three hundred dollars, and shall be assessed upon the property adjacent thereto, and an assessment therefor shall be levied and collected in the manner now provided for by law.

§ 3. This act shall take effect immediately.

CHAP. 489.

AN ACT to amend chapter four hundred and sixty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Chapin Home for the Aged and Infirm in the city of New York."

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter four hundred and sixty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the Chapin Home for the Aged and Infirm in the city of New York," is hereby amended so as to read as follows: Sec. 4, ch. 461, Laws of 1869, amended.

§ 4. The business of said corporation shall be managed by a board of trustees, which board shall be composed of thirty members to be elected by the members of the corporation by ballot. At the first election of trustees held after the passage of this act, ten trustees shall be elected for one year, ten for two years and ten for three years, and all trustees elected thereafter shall be elected for the full term of three years. Board of trustees. Terms of office of trustees.

§ 2. This act shall take effect immediately.

CHAP. 490.

AN ACT to amend chapter six hundred and thirteen of the laws of eighteen hundred and fifty-seven, entitled "An act to amend an act entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia,' passed April eight, eighteen hundred and thirty-eight."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter six hundred and thirteen of the laws of eighteen hundred and fifty-seven, entitled "An act to amend an act entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia,' passed April eight, eighteen hundred and thirty-eight," is hereby amended so as to read as follows: Sec. 1, ch. 613, Laws of 1857, amended.

§ 1. The seventh section of the act is hereby amended so as to read as follows:

§ 7. The said trustees and their successors in office shall have power, with the consent of the taxable inhabitants of said village to be by vote expressed at an annual or special meeting, to take, purchase, hold, receive and convey any estate, real or personal, for the public use of said village, and to build and erect any public building or works for the like purpose. The trustees shall have power to make any and all necessary repairs and improvements to said village, as to public grounds or buildings, roads, streets, alleys, lanes, walks, drains, sewers, cisterns, wells or reservoirs for public use. To remove and Power to hold and convey real estate. Repairs and improvements to public

grounds, etc. prevent encroachments upon the streets and sidewalks of said village. To compel the owners or occupants of real estate to remove snow and ice from the sidewalks in front of the same. To regulate and direct the location of slaughter-houses and places where cattle, sheep or swine may be slaughtered, and to prohibit the slaughtering thereof in any places other than those directed. To prevent the riding, driving or leading of any team or animals on any of the sidewalks of said village. To remove, prevent or destroy nuisances, to suppress and restrain disorderly houses, houses of ill-fame and gaming houses. To regulate and prevent the firing of guns, pistols, crackers, rockets and squibs in said village. To prevent the immoderate driving and riding of horses and carriages in the streets. To appoint one or more persons, at seasonable times, to enter and examine all houses, stores, yards and outhouses, to ascertain if they are in a dangerous state in regard to fires, and direct and compel the owners or occupants to put the same in a safe condition, and to keep their ashes safely. To examine and regulate the weights and measures of said village. To erect and regulate hay scales, and the price of weighing hay, and appoint a weighmaster, who shall hold his office during their pleasure. To establish and organize one or more fire and hook and ladder companies, the members of which shall be exempt from military duty, except in cases of insurrection or invasion, and from jury duty, and to remove such firemen and hook and ladder men, and appoint others in their stead; to prescribe the powers and duties of fire companies in preventing and extinguishing fires; and to pass such ordinances for the government of such companies as they shall deem proper, not inconsistent with the laws of this State or of the United States. To erect or provide one or more public pounds, and appoint a keeper or keepers, and remove him or them at pleasure, prescribe the fees and duties of such keeper or keepers, and their charges for feeding and watering beasts impounded and under his or their charge. To make and enforce all necessary regulations to prevent the spread of any contagious or epidemic disease; to establish and maintain pest houses or hospitals, whenever necessary, and to appoint persons to superintend and take charge of them. To make, ordain, amend, alter and repeal all such by-laws, rules, regulations and ordinances as may be necessary to carry into effect the intent and provisions of this act. To prescribe any penalty, not exceeding twenty-five dollars, for the violation of any by-law, rule, regulation or ordinance which they are authorized to make, and sue for such penalty before any justice of the peace, and to remit the same wholly or in part; and no inhabitant of said village shall, for that cause, be disqualified as justice, juror, or witness on the trial of any suit brought by virtue of this act. To require the overseer of highways to make his report to them in writing, under oath; and they may allow him such compensation, not exceeding one dollar and fifty cents per day, for his services, as they may deem reasonable, to be retained out of the commutation money or money collected for highway purposes, and may require from him a bond to such trustee, with a sufficient surety in the penalty of two hundred and fifty dollars, conditioned for the faithful performance of his duties as such overseer, and to account to said trustees for all moneys received by him as such overseer. The trustees may remove such overseer at pleasure, and appoint another in his place. To restrain cattle, horses, sheep, swine, beasts and geese from running at large in said village, under a penalty not exceeding five dollars for every such animal found so going at large, which animal so going at large shall be liable to be

Location of slaughter-houses, etc.

Firing of guns, etc.

Fire companies, etc.

Pounds.

Prevention of contagious diseases.

By-laws, etc.

Penalties.

Overseer of highways; report of and compensation.

Cattle, etc., running at large.

distrained and impounded and sold for the fees and charges of the pound keeper, in the manner provided by this act; and the owner of any such animal shall be liable to such penalty, and the same may be sued for and recovered, with costs, in the corporate name and for the use of said village. The said trustees and their successors in office shall have power to establish fire limits within the corporate bounds of said village by resolution of the board of trustees describing the same by metes and boundaries, which resolution shall be filed in the office of the village clerk and be posted in three public places within the corporate bounds; to prevent fires and provide for their extinguishment, and shall have full power to regulate or prevent the erection of wooden buildings within said fire limits so to be established. Fire limits.

§ 2. This act shall take effect immediately.

CHAP. 491.

AN ACT to provide for submitting a proposed amendment to the constitution to the electors of the State.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inspectors at each poll in the several towns and wards of this State, at the general election to be held in this State on the second day of November, one thousand eight hundred and eighty, shall provide a box to receive the ballots of the citizens of this State, in relation to the amendment proposed to the constitution, by concurrent resolutions of the legislature, passed in eighteen hundred and seventy-nine and eighteen hundred and eighty, and each voter may present a ballot on which shall be written or printed, or partly written and partly printed, in the form following, namely: "For the proposed amendment to sections twelve and thirteen, article six of the constitution," or a ballot on which shall be written or printed, or partly written and partly printed, in the form following: "Against the proposed amendment to sections twelve and thirteen, article six of the constitution." The said ballot shall be indorsed "Constitutional amendment." And all of the citizens of this State entitled to vote for member of the assembly in their respective districts shall be entitled to vote on the adoption of the said proposed amendment, during the day of election in the several election districts in which they reside. Separate box for ballots in relation to constitutional amendments. Form of ballot. Electors.

§ 2. After finally closing the polls of such election the inspectors thereof shall count and canvass the ballots given relative to the said proposed amendment in the same manner as they are required by law to canvass the ballots given for governor, and thereupon shall set down in writing the whole number of votes given for said proposed amendment, in the words in which said amendment is hereinbefore given, and the whole number of votes given against the said proposed amendment in the words in which said amendment is hereinbefore given, and shall certify and subscribe the same, and cause copies thereof to be made and certified and delivered as prescribed by law in respect to the canvass of votes given at an election for governor. Canvass.

County canvass.

§ 3. The votes so given shall be canvassed by the board of county canvassers, and statements thereof shall be made, certified and signed and recorded in the manner required by law in respect to the canvassing of votes given at an election for governor; and certified copies of the statements and certificates of the county canvassers shall be made, certified and transmitted by the county clerks, respectively, in the manner provided by law in cases of an election for governor. The

State canvass.

said certified copies transmitted by the county clerks shall be canvassed by the board of State canvassers in the like manner as provided by law in respect to the election of governor, and in like manner they shall make and file a certificate of the result of such canvass, which shall be entered of record by the secretary of State, and shall be published by him in the State paper and in the papers designated by the several boards of supervisors to publish the session laws, or which may be designated by said board to publish the said certificate.

Publication of, by secretary of State.

§ 4. It shall be the duty of the secretary of State to cause the said proposed amendment to the constitution, together with the form of the ballot, as herein specified, to be published in the manner provided for the publication of the certificate of the result of the canvass as provided by section three thereof, at least twice prior to such election, but no neglect or failure to publish shall impair the validity of such election.

CHAP. 492.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the city of Binghamton."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Term of office and jurisdiction of justices of the peace.

SECTION 1. Section nine of title five of chapter two hundred and ninety-one of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the city of Binghamton," is hereby amended so as to read as follows:

§ 9. Justices of the peace. The justices of the peace of said city shall hold their offices four years and one shall be elected every two years. They shall have and exercise all the powers, authority and jurisdiction and discharge all the duties and be entitled to the fees and compensation of justices of the peace of the several towns in this State, except as modified by this act, and all laws applicable to justices of the peace of the several towns and to their official acts, duties and powers, shall apply to the justices of the peace of said city and to

Fees.

their official acts, duties and powers. After the expiration of the terms of service of the justices of the peace now in office the fees of the justice for the trial of an issue of fact, where the defendant shall appear and answer, shall be the sum of two dollars.

CHAP. 493.

AN ACT defining the powers and duties of the superintendent of public works.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of public works shall have the power, and it shall be his duty, to provide all necessary tools, materials and labor for the repair and navigation of the canals, and for the construction and improvement of the canals. The superintendent shall make payment monthly for all tools, materials and labor provided by him for account of the canals; payment therefor shall be made on or before the fifteenth of every month for tools, materials and labor provided for the preceding month. Supt. to provide tools, etc. Payment therefor.

§ 2. The superintendent of public works shall have the power to divide the canals into such subdivisions or sections as he may deem advisable, and make all necessary rules and regulations for the government of all employees engaged by him in the repair and navigation of the canals, and in the construction and improvement of the canals, also all necessary rules and regulations to provide for the payment for tools, materials and labor, and to fix the compensation for the services of all officers and employees appointed by him when the salary is not fixed by law. The schedule of prices when fixed shall be filed with the auditor of the canal department. Sub-divisions or sections. Schedule of prices.

§ 3. As soon as practicable after the first day of each month and in time to make payment on or before the fifteenth thereof, the superintendent of public works shall prepare a pay-roll by sections, stating the number of the section-length; the name of each employee; the number of days' labor performed by each; the price per day or month; team work, with the price per day for team and driver, with the gross amount due to each opposite his respective name, which, with all bills for tools and materials purchased and delivered the preceding month, shall be presented to the auditor of the canal department, duly certified to be correct by the superintendent of public works. On presentation of such pay-rolls and bills for purchase of tools and materials, the auditor of the canal department shall pay to the superintendent of public works, on his warrant, the money to make payment for the tools, materials and labor provided by him for the use of the canals the preceding month. The auditor of the canal department shall possess and exercise the same power and authority in advancing money and settling with the superintendent of public works for tools, materials and labor provided by him, as is now vested in him by law, in settling and closing accounts with superintendents of canal repairs. All original bills for the purchase of tools and materials, when signed by the parties from whom the purchases were made, with the section pay-rolls duly signed by each employee opposite his respective name, shall be filed in the office of the auditor of the canal department, and duplicates thereof shall be filed in the office of the superintendent of public works. Pay rolls by sections. Auditor to pay to supt. money to make payments. Power of auditor. Original rolls to be filed.

§ 4. When construction or improvement work shall be ordered by the legislature or canal board to be done upon any of the canals of this State, the State engineer and surveyor shall make, or cause to be made, all surveys, maps, plans, specifications and estimates that may Surveys, etc., to be made by State engineer.

be required by the canal board, or by the superintendent of public works, to determine the proper location of the line of the canal, or any portion thereof, or that may be necessary preparatory to commencing any work of construction or improvement; and shall transmit a copy thereof to the superintendent of public works, and to the canal board with his approval indorsed thereon. On obtaining thereon the certificate of adoption of the canal board, he shall file the same in his office, and a copy thereof in the office of the superintendent of public works. Whenever the superintendent of public works shall require the services of an engineer upon any portion of the canals undergoing repairs, or upon any construction or improvement work, the superintendent of public works may call upon the State engineer and surveyor for the assignment of an engineer. It shall be his duty to make such assignment upon such requisition. The State engineer and surveyor shall perform all such duties in relation to the repair of the canals and in the construction and improvement of the canals as shall be required by the superintendent of public works.

Duty of state engineer.

Rules and regulations.

§ 5. The superintendent of public works shall have full power to make and promulgate all needful rules and regulations for the safe and speedy navigation, and for the protection and maintenance of the canals and the structures thereof. The superintendent of public works, his deputies, superintendents or foremen of sections and lock-tenders appointed by him shall possess all the statutory power now possessed by superintendents of canal repairs and lock-tenders, and may arrest, anywhere within the jurisdiction of their office, all offenders under this section, and convey and deliver them to the proper officers or magistrates, to be proceeded against according to law, and when it shall be necessary the said officers are hereby empowered and authorized to command and have the assistance of any person upon whom they may call in making such arrest.

Arrest of offenders.

§ 6. All laws and parts of laws in conflict with any provisions of this act are hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 494.

AN ACT in relation to the real estate of Margaret Noonan, an idiot.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Court may direct filing of bond as of Nov. 22, 1871.

SECTION 1. The court of common pleas in and for the city and county of New York, or any judge thereof, may, on application of Catharine M. Noonan, committee of Margaret Noonan, an idiot, authorize and direct the filing of a bond by her as such committee, in conformity with the requirements of section two of chapter four hundred and seventeen of the laws of eighteen hundred and sixty-four, such bond to be filed as of November twenty-second, eighteen hundred and seventy-one, the date of the application of said Catharine M. Noonan, for leave to sell or dispose of the real estate of said Margaret Noonan, an idiot, subsequent to the date of such application, shall have the like force and effect, as if such bond had been directed by

Effect of.

the court and duly executed and filed by the said Catharine M. Noonan as committee of Margaret Noonan, an idiot, at the date of the aforesaid application.

§ 2. This act shall take effect immediately.

CHAP. 495.

AN ACT to amend chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown," and certain acts supplementary thereto and amendatory thereof.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four and five of title two of chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown," are hereby amended so as to read as follows: Secs 4 and 5, title 2, chap. 714, Laws of 1869, amended.

§ 4. The annual election of officers of said city shall be held on the first Tuesday after the first Monday of November in each year, at such place or places in each ward within said city as the common council may designate, and at least eight days' notice of the time and places of such election shall be given by the chamberlain of said city, by publication in all the newspapers printed in said city, and by putting and posting at least six printed notices thereof in each ward at least eight days prior thereto. Annual election.

§ 5. The polls of every election shall be opened at sunrise, and kept open until sunset. Polls.

§ 2. Section one of title five of chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown," as amended by chapter eight hundred and ten of the laws of eighteen hundred and seventy-one, and as further amended by chapter three hundred and sixty-eight of the laws of eighteen hundred and seventy-six, is hereby further amended so as to read as follows: Sec. 1, title 5, amended.

§ 1. The common council may cause to be raised by taxation upon the taxable property in the city, such sum as in their judgment the wants and welfare of the city may demand, in each year, for a fund to be denominated the "highway fund," a sum not exceeding fourteen cents on every one hundred dollars of the valuation of property upon the assessment roll; for a fund to be denominated the "general fund," a sum not exceeding fourteen cents upon every one hundred dollars of the valuation of property on the assessment roll; for a fund to be denominated the "contingent fund," a sum not exceeding seven cents upon every one hundred dollars of the valuation of property upon the assessment roll; and for a fund to be denominated "the sewer fund," a sum not exceeding three cents upon every one hundred dollars of the valuation of property upon the assessment roll; and the common council of the said city are authorized and directed, when necessary, to borrow, in anticipation of the one year's amount, or any part thereof, a sum not exceeding the one-half part of the taxes to be raised, levied and collected as aforesaid. The question on every motion or resolution before said common council for the appropriation or ex- Tax for "highway fund." For "General fund." For "contingent fund." For "the "sewer fund." Ayes and noes to be taken.

penditure of money shall be taken by ayes and noes, which shall be entered and preserved in the minutes of said common council.

Construction of drains, sewers, etc.

§ 3. The common council of said city, by a three-fourths vote, may order the construction of any drain, sewer, curb or gutter in any street, highway, lane or alley in said city, without a petition from the property holders along the line of said work. And so much of subdivision third of section twenty-four of chapter eight hundred and ten of the laws of eighteen hundred and seventy-one, entitled "An act to amend an act entitled 'An act to incorporate the city of Watertown,' passed May eight, eighteen hundred and sixty-nine, and to confirm the acts of the common council in reference to local assessments for local improvements," as is inconsistent with the provisions of this section, is hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 496.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 15, title 2, chap. 291, amended.

SECTION 1. Section fifteen of title two of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Annual election.

§ 15. Elections of elective officers of the corporation, after the first election of officers, shall be held annually on the third Tuesday of March, at one o'clock in the afternoon, and continue till sunset, at such place as shall be designated by the trustees, or a majority of them; at least six days' notice shall be given by the trustees, or a majority of them, prior to said election, by posting notices in six conspicuous places in the village, by the clerk, or some one appointed by the trustees, if there is no clerk. In case the trustees neglect to appoint a place, the election shall be held at the place of the last preceding annual election. But any village, incorporated under the provisions of this act, may change the date on which such election shall be annually held to some other day, provided, however, that such change shall not be made unless upon the written application of the voters representing a majority of the taxable property of such village, directed to the board of trustees of such village, requesting the said board to submit the question of such change to a vote of the duly qualified voters of such village; upon the presentation of such application to such board of trustees, it shall be the duty of such board to cause written or printed notices of such election to be posted up in at least six conspicuous public places in such village, stating the object of such election and the date and time on which the same shall be held, which time shall not be less than thirty days nor more than sixty days from the time of posting such notices. Suitable ballots for such election shall be prepared under the direction of the board of trustees of such village. The said board of trustees shall preside at such election,

Change in time may be made by majority vote.

Ballots.

shall canvass the votes cast, shall declare the result thereof and shall file a certificate thereof, signed and sworn to by them, in the office of the village clerk in such village. If a majority of all the votes cast shall be in favor of such change to another day than that named herein, then and in that case such annual election shall thereafter be held in such village on the day specified by a majority of the voters of such village.

§ 2. This act shall take effect immediately.

CHAP. 497.

AN ACT to authorize the comptroller to compromise and settle claims against the sureties of the New York and Erie Bank of Buffalo.

PASSED May 28, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comptroller, with approval of attorney-general, may settle claim of State.

SECTION 1. The comptroller of this State is hereby authorized and empowered, with the approval of the attorney-general, to compromise, compound, settle, discharge and release, on such terms as to payment as they may jointly deem advisable for the State to accept, the claim of the State of New York against Thomas Brown, James Sweeney, Edward Evans and Sophonia Ganson, as executrix of the last will and testament of John S. Ganson, deceased, arising out of the suretyship of Thomas Brown and John S. Ganson, and of James Sweeney, Edward Evans and John S. Ganson, on two several contracts of the New York and Erie Bank of Buffalo, dated, respectively, May first, eighteen hundred and seventy-four, and May seventeenth, eighteen hundred and seventy-five, executed on the designation of said bank by the canal board as a depository of a portion of the canal tolls of those years.

§ 2. This act shall take effect immediately.

CHAP. 498.

AN ACT to provide for leasing wharf property necessary for ferry purposes along with the franchise of a ferry within the city of New York.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners of sinking fund may lease wharf property, etc.

SECTION 1. The commissioners of the sinking fund of the city of New York shall hereafter possess the power, and they are hereby authorized to lease, in the manner provided by law, along with the franchise of a ferry within said city, such wharf property, including wharves, piers, bulk-heads and structures thereon, and slips, docks, and water fronts adjacent thereto, used or required for the purposes of such ferry, now owned or possessed, or which may be hereafter owned or acquired by said city, or to which the corporation of said city is or may become entitled, or of which it may become possessed.

Not to apply to part of East river set apart to canal boats.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Nothing in this act contained shall be held to apply to that portion of the East river which has, by law, been exclusively set apart for the use of canal boats engaged in the transportation of freights in the Hudson river, coming to tide-water from the canals of the State.

§ 3. This act shall take effect immediately.

CHAP. 499.

AN ACT to provide a public park for the city of Elmira, and for the care of the same.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. Stephen McDonald, George W. Hoffman, Matthias H. Arnott, Christopher Preswick, William J. Doonos and Jabin A. Bundy, residents and freeholders of the city of Elmira, are hereby constituted and appointed commissioners of parks of the city of Elmira, to be known as the board of park commissioners, said commissioners to hold their respective offices as hereinafter provided, and to possess the powers and duties herein specified.

Organization.

§ 2. The commissioners herein named shall meet in the common council chamber at the city hall in said city, at ten o'clock in the forenoon, on the second Tuesday of June next, and, after having severally qualified by taking the oath of office, shall organize said board by

Quorum.

selecting from their number a president and secretary. Should any of the persons hereby appointed fail to appear and qualify on said day, a majority of those so appearing and qualifying shall fill the vacancies of those not appearing and qualifying, by appointing commissioners in their places from those qualified to act as commissioners, as hereinafter provided. The secretary shall then and there, and in the presence of the commissioners there present and qualified, prepare five paper ballots as near alike as possible, and number the same from one to five inclusive, and fold and place them when so numbered in a box or hat, and so mix them that no one can have any advantage in drawing; and the commissioners then present shall each in turn draw from such hat or box one of said ballots, and in case of the absence of any person appointed by the commissioners in place of any of the persons herein named not appearing and qualifying, the president of the board shall draw the ballots for such absent commissioner after those present shall have drawn, first announcing the name of each absent commissioner before drawing his ballot. Each of said commissioners shall hold his office the number of years written upon the respective ballot drawn by or for him. Annually thereafter, on the second Tuesday of June in each year, the said commissioners then in office shall meet at such time and place as said board shall designate, and if no designation is made, in the said common council chamber, and elect a president and secretary for the ensuing year. The commissioners shall serve without pay for their time or services.

Secretary, duties of.

Terms of office.

Election to fill vacancy.

§ 3. There shall be an election held at the city hall of said city on the first Monday of June in each year to fill the vacancy occasioned by

the expiration of the term of the commissioner whose term of office shall expire on the second Monday of the same month; also to fill any vacancy that may have occurred in said board during the year. Notice of such annual election shall be published by the mayor of said city in at least two daily papers of said city for six days prior to such election. Thirty days prior to such election the clerk of the said city shall prepare from the latest assessment rolls of said city a list of all persons who are assessed therein for real or personal estate in said city; such list shall be arranged alphabetically by said clerk, and shall constitute the poll list of persons entitled to vote at said election, providing such persons are in all other respects qualified voters at other city elections in said city. The vote at such election shall be by ballot and shall be presided over by three inspectors, to be appointed by the common council of said city, who shall receive and count the votes cast at such election, and certify and return the same to the common council, who shall canvass the same, and declare the result thereof in like manner as in other city elections, and the person receiving the highest number of votes for any expiring time or vacancy shall be declared and certified by the common council of said city as duly elected. The polls at every such election shall be kept open from eight o'clock in the forenoon to five o'clock in the afternoon, and such elections shall be conducted like other elections of city officers, except as to the officers presiding thereat, and the qualification of voters as hereinbefore provided.

List of qualified voters.

Vote to be by ballot.

Polls.

§ 4. The board of park commissioners hereby created shall have power to purchase all that tract or parcel of land situate in the town of Elmira, Chemung county, State of New York, known as "Eldridge Park" (together with all the improvements thereon), which property is bounded as follows: On the east by the street known as Grand Central avenue, on the north by lands of George S. McCann, on the west by lands of the New York, Lake Erie and Western Railway Company, and on the south by what was formerly known as the Chemung canal, Park avenue and Reformatory street, being all the lands embraced in said description and now used as a park, such purchase to be for a public park for said city, at a cost not exceeding twenty-five thousand dollars ($25,000), and in payment therefor or for the purpose of raising funds to pay therefor may issue, or issue and sell the bonds of said city, payable not less than twenty years from date, and bearing interest at a rate not exceeding five per centum per annum, payable semi-annually, but no such purchase shall be valid or binding and no such bonds shall be issued until such purchase and such issue of bonds shall be submitted to the vote of the persons authorized to vote for commissioners as herein provided. Upon any such purchase and the issuing of such bonds being agreed upon by a majority of the commissioners by vote at a meeting of the board called by the president thereof, for such purpose, it shall be the duty of the president to certify such agreement to the mayor of said city, whose duty it shall be thereupon to call a special election of the voters of said city, authorized to vote for commissioners as herein provided, and to publish a notice of such election in the manner herein provided for publishing notices of the annual election of commissioners, and such election shall be presided over and conducted in the same manner as the election of commissioners except that the ballots shall read "For the purchase of Eldridge Park and the issue of bonds therefor," and "Against the purchase of Eldridge Park and the issue of bonds therefor." In case a majority of the ballots so cast are "For the purchase of Eldridge

Power to purchase "Eldridge Park."

Cost not to exceed $25,000, and bonds to issue to raise money to pay for same on vote of electors.

Special election to be called.

Form of ballot.

Park and the issue of bonds therefor," then it shall be the duty of the mayor of said city, upon a satisfactory title being given, to execute the said bonds and affix thereto the seal of the said city, and the said bonds shall be countersigned by the president of the said board of commissioners, and shall become, when issued, a debt against the said city, according to the terms thereof.

If purchased, to be a part of city.

5. In case the said Eldridge Park property shall be purchased as provided by the terms of this act, then the limits of the city of Elmira shall, upon the conveyance of such property to the city, be immediately thereupon extended so as to include said property and the same shall be no longer a part or portion of the town of Elmira, but the same shall be added to the territorial limits of said city of Elmira, and shall form a portion of the Second ward thereof.

Control of park.

§ 6. The said board of park commissioners shall have exclusive management and control of the said land herein provided to be purchased, and may also have the management and control of all other parks now or hereafter belonging to said city, such control and management of the last named parks to be subject to the approval and direction of the common council of the city of Elmira. Said board

Superintendent, and compensation of.

may employ a superintendent for said parks, and fix his compensation at a sum not exceeding two dollars and fifty cents per day; but no expenditure for any purpose shall be made without the approval of the common council of said city exceeding two thousand five hundred dollars, without first submitting the question of such expenditure to the approval of the persons authorized to vote either at the annual or special election, and unless a majority of the persons voting at such election shall approve of the expenditure. The said board of park com-

By-laws, etc.

missioners shall make such by-laws, rules and regulations and from time to time alter and modify the same as to them shall seem proper in relation to the discharge of their duties and the management of the parks of said city.

Payment of bills.

§ 7. All bills for expenditures incurred pursuant to this act shall be certified by the president and secretary of said board of park commissioners, upon whose certificate the chamberlain of said city shall pay such expenditures, the same as other claims against the city from the funds devoted to the purpose. But no such expenditure shall exceed the appropriations to be made as in this act provided.

Annual estimate.

§ 8. The said board of park commissioners shall, on or before the first day of April in each year, prepare an estimate in detail of the amount of money needed by them for the care and management of the parks of said city for the fiscal year commencing on the second Monday of June following, and shall certify the same to the common council of said city, who shall proceed to consider the same and approve, increase or diminish any and all of said estimates, provided the amount allowed shall not exceed two thousand five hundred dollars or fall below one thousand dollars and thereupon the amount as approved shall be placed in the city tax levy for the current year. The moneys

Park fund.

so levied shall be called the park fund, and shall be set apart by the city chamberlain to the credit of said board of park commissioners, and paid out only upon the certificate or warrant of said board as hereinbefore provided.

Ordinances to be enacted,

§ 9. Upon the recommendation of said board of park commissioners, the common council of said city may from time to time enact such ordinances as shall be necessary for the proper management, policing

Police officers.

and control of the parks of said city. The board of police commissioners of said city may appoint and assign such police officers to

specially care for said parks as may be necessary, and where practicable shall so appoint the regular employees of said board of park commissioners who shall serve as such police officers without additional pay.

§ 10. In case a majority of the ballots so cast are "Against the purchase of Eldridge Park and the issue of bonds therefor," then all the provisions of this act shall become inoperative and of no effect whatever.

§ 11. This act shall take effect immediately.

CHAP. 500.

AN ACT to authorize Henry Fordham and George W. Tuttle to establish, maintain and operate a ferry across the Great South bay, in Suffolk county.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Henry Fordham and George W. Tuttle, or their assigns, are authorized and empowered to establish, maintain and operate a ferry across the Great South bay from the village of Speonk to any point or points on the South beach in the town of Southampton, in the county of Suffolk, during the period of twenty years next after the passage of this act; and may also construct and maintain such wharves and docks upon the waters of said bay as may be required for the convenient operation of said ferry, and may also construct and maintain such wharves and docks as may be necessary for the convenient landing of passengers from said ferry boats. Authorized to maintain ferry across Great South bay for twenty years.

§ 2. The said Henry Fordham and George W. Tuttle, or their assigns, shall be entitled to receive for ferriage across the said bay, at the following rates: For each person, except children, eight cents, and for children, four cents. Rates of ferriage.

§ 3. If any higher rate of ferriage than is herein specified shall be taken by the said Henry Fordham and George W. Tuttle, or their assigns, or by any person or persons in their employ, the person so offending shall forfeit and pay to the injured party the sum of five dollars, and the surplus collected of said ferriage. Forfeiture for taking greater rate.

§ 4. The said Henry Fordham and George W. Tuttle, or their assigns, shall have power to regulate the lying of boats at their wharves and docks, and within one hundred feet thereof, with power to remove them from one place to another within said limits, and to establish and collect such rates of wharfage for boats lying by or making fast to said wharves and docks as shall seem to them reasonable and just, to prosecute any person having charge of a boat lying within the above-named limits who shall refuse or neglect to comply with their orders, or the orders of their duly appointed agent, with regard to the removal of the boat in his charge, and to prosecute any person who shall refuse or neglect to pay wharfage; and on due proof of such refusal or neglect, to recover before any court in the county of Suffolk having competent jurisdiction the sum of twenty-five dollars. Rates of wharfage, etc.

§ 5. This act shall take effect immediately.

CHAP. 501.

AN ACT to amend chapter twenty-six of the laws of eighteen hundred and seventy-eight, entitled "An act authorizing the city of Kingston to issue bonds for the purpose of creating a fund to pay the principal of the bonded indebtedness of said city, falling due in the years eighteen hundred and seventy-nine, eighteen hundred and eighty, eighteen hundred and eighty-one and eighteen hundred and eighty-two, and its proportion or quota of the bonded indebtedness of the county of Ulster falling due in said years."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 2, chap. 26, Laws of 1878, amended.

SECTION 1. Section two of chapter twenty-six of the laws of eighteen hundred and seventy-eight, entitled "An act authorizing the city of Kingston to issue bonds for the purpose of creating a fund to pay the principal of the bonded indebtedness of said city, falling due in the years eighteen hundred and seventy-nine, eighteen hundred and eighty, eighteen hundred and eighty-one and eighteen hundred and eighty-two, and its proportion or quota of the bonded indebtedness of the county of Ulster, falling due in said years," is hereby amended so as to read as follows:

Bonds how to be issued. Interest.

§ 2. Said bonds shall be issued in the name and under the seal of said city, and be signed by the mayor and treasurer thereof, in sums not less than one hundred dollars each, with interest, not exceeding six per centum per annum, payable semi-annually, on the fifteenth

When payable.

days of January and July of each year, and the principal thereof shall be made payable in not less than thirty years, unless the common council of said city shall determine that said bonds, or some of them, shall contain a clause that said city may at its option pay the principal thereof at any time after ten years from their respective dates; and

To be sold at public auction by bank presidents.

said bonds shall be sold at public auction under the direction of the presidents, for the time being, of the several banks for savings and discount, located in said city, namely: The National Ulster County Bank, the Kingston National Bank, the National Bank of Rondout, the State of New York National Bank, the First National Bank of Rondout, the Ulster County Savings Institution, the Rondout Savings Bank and the Kingston Savings Bank, or a majority of said bank presidents, who shall act without compensation; but none of said bonds shall be sold at less than par, and no more of said bonds shall be sold, issued or executed in any one year than shall be necessary to raise a fund sufficient to pay the principal of said bonded indebtedness, falling due in that year.

§ 2. This act shall take effect immediately.

CHAP. 502.

AN ACT to amend chapter two hundred and seventy-two of the laws of eighteen hundred and thirty-seven, entitled "An act to incorporate the Society for the Relief of Half Orphan and Destitute Children in the city of New York."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of chapter two hundred and seventy-two of the laws of eighteen hundred and thirty-seven, entitled "An act to incorporate the Society for the Relief of Half Orphan and Destitute Children, in the city of New York," is hereby amended so as to read as follows: Sec. 11, chap. 272, Laws of 1837, amended.

§ 11. The corporation hereby created may receive, take and hold as well by devise or bequest as otherwise, any real or personal estate for the uses and purposes contemplated by this act, whether the same be devised, bequeathed or conveyed directly to such corporation or to the board of trustees above mentioned, or otherwise, for the use of the society. May take and hold real estate.

§ 2. This act shall take effect immediately.

CHAP. 503.

AN ACT to amend chapter five hundred and twenty-two of the laws of eighteen hundred and sixty-five, entitled "An act to amend title one of chapter sixteen of the first part of the Revised Statutes, in regard to roads and bridges and the appointment of overseers of highways."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter five hundred and twenty-two of the laws of eighteen hundred and sixty-five, entitled "An act to amend title one of chapter sixteen of the first part of the Revised Statutes, in regard to roads and bridges and the appointment of overseers of highways," is hereby amended so as to read as follows: Sec. 7, chap. 522, Laws of 1865, amended.

§ 7. From and after the passage of this act the commissioner or commissioners of highways in each town of this State shall have the power, and it shall be their duty, within one week after such annual town meeting, by an instrument under their hand or hands, to be filed with the town clerk, to appoint as many overseers of highways in their respective towns as there are road districts therein, which overseer shall be a freeholder unless by petition as hereinafter provided, unless there are no freeholders in such district, to hold their office during one year; but, in making such appointment, it shall be the duty of such commissioner or commissioners to appoint such person, whether freeholder or not, in any such district, as may be suggested or Commissioners of highways to appoint overseers. To appoint person nominated by persons

representing three-fifths of property assessed.

Town clerk to notify overseers.

nominated by a written petition, signed by residents of such district, representing three-fifths of the number of days' work assessed in such district for the next preceding year. And it shall be the duty of the town clerk to notify each overseer of his appointment, as now required by law in case of elections; and all provisions of law now applicable to overseers of highways heretofore elected under the provisions of the sections above amended shall apply to overseers of highways appointed under the provisions of this act.

§ 2. This act shall take effect immediately.

CHAP. 504.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sub-sec. 27, of sec. 1, chap. 482, Laws 1875, amended.

SECTION 1. Sub-section twenty-seven of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," is hereby amended so as to read as follows:

Number of assessors, highway commissioners and overseers of the poor.

27. To designate, upon the application of any town, duly made by the vote of its electors at an annual town meeting, the number of assessors of such town as their terms expire, not to exceed three; and the number of highway commissioners of such town, not to exceed three; and the number of overseers of the poor of such town, not to exceed two; and when the number of assessors shall be reduced to one to increase his compensation to an amount not exceeding three dollars per diem.

§ 2. This act shall take effect immediately.

CHAP. 505.

AN ACT to legalize the official acts of Henry G. Wood as notary public.

PASSED May 28, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the proper official acts of Henry G. Wood, of the county of Otsego, as notary public for said county, done since the thirtieth day of March, eighteen hundred and eighty, are hereby made as legal as if the term of office of said Henry G. Wood had not expired at the time of said acts.

§ 2. Nothing herein contained shall affect any actions or legal proceeding now pending.

§ 3. This act shall take effect immediately.

CHAP. 506.

AN ACT to amend chapter three hundred and thirty-two of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter six hundred and ten of the laws of eighteen hundred and seventy-four, entitled 'An act to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the several towns of the county of Westchester.'"

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter three hundred and thirty-two of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter six hundred and ten of the laws of eighteen hundred and seventy-four, entitled 'An act to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the several towns of the county of Westchester,'" is hereby amended so as to read as follows: Sec. 5, chap. 332, Laws of 1875, amended.

§ 5. If such tax be not paid according to the requirements of said notice, the lands and tenements so advertised shall be sold by the supervisor of the town at public auction, at the time and place specified in said notice, and upon such sale a certificate thereof shall be given to the purchaser signed by the supervisor and countersigned by the town clerk, specifying the property sold, by giving the description thereof upon the assessment roll and specifying also the name of the person or persons or corporation, if any, to whom the property sold was assessed upon said roll, the time for which the same shall have been sold, the sum paid thereon, and the time when the purchaser will be entitled to a lease of such property. Within thirty days after every such sale the supervisor by whom the sale shall have been made shall file a duplicate of such certificate in the office of the county treasurer, and it shall be the duty of the county treasurer to make an alphabetical index of said certificates, first by the names of the several towns in which the property sold is situated, and second by the names of the persons or corporations to whom the property sold was assessed upon the town assessment roll, and also, in the case of village and other tracts of lands within said county which are described and designated on maps filed in the office of the register of said county by lot numbers, to make a numerical index according to the lot numbers on such maps; said indices to be made in a book or books to be kept by him for that purpose, which books shall be, at all times during office hours, open to the inspection of all persons. The expense of procuring such books shall be a county charge and no such sale shall be valid unless such certificate shall be so filed and indexed. Lands to be sold for taxes. Supervisor to file duplicate certificate of sale.

§ 2. The record heretofore made by the county treasurer of said county of the said certificates of sale is hereby ratified and confirmed and declared to be of the same effect as if they had been recorded in full. Record of certificates ratified and confirmed.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 507.

AN ACT to amend chapter four hundred and twenty-six of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of villages," so far as the same relates to the village of Corning, in the county of Steuben.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 46, chap. 426, Laws of 1847, amended.

SECTION 1. Section forty-six of chapter four hundred and twenty-six of the laws of eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of villages," so far as the same relates to the village of Corning, in the county of Steuben, is hereby amended so as to read as follows:

Expense of sidewalk a lien on lot.

§ 46. The expense of making or repairing such sidewalk opposite to and on the same side of the street with any lot shall be a lien thereon; and if the owner thereof be a resident of such village, the trustees shall give him notice of the manner in which such sidewalk is required by them to be made or repaired, and of the time, not less than thirty days, within which it may be so made or repaired by him at his own expense, under the superintendence of the trustees or of the street commissioners.

§ 2. This act shall take effect immediately.

CHAP. 508.

AN ACT to amend chapter eight hundred and twenty-four of the laws of eighteen hundred and seventy-three, entitled "An act to amend section nineteen of chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled 'An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York.'"

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, chap. 824, Laws of 1873, amended.

SECTION 1. Section one of chapter eight hundred and twenty-four of the laws of eighteen hundred and seventy-three, entitled "An act to amend section nineteen of chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled 'An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of

New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York,'" is hereby amended so as to read as follows:

§ 1. Section nineteen of chapter five hundred and seventy of the laws of eighteen hundred and seventy-two, entitled "An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the State of New York, except in the city and county of New York and the city of Brooklyn, and to repeal chapter five hundred and seventy-two of the laws of eighteen hundred and seventy-one, entitled 'An act to amend an act entitled 'An act in relation to elections in the city and county of New York,'" is hereby amended so as to read as follows: Sec. 19, chap. 570, Laws of 1872, amended.

§ 19. This act shall apply in all the incorporated cities in this State, except New York and Brooklyn, and in all incorporated villages of over seven thousand inhabitants as determined by the last census; but this act shall not affect any law in reference to the registration of voters in towns or villages abutting against cities. Act to apply to all cities (except New York and Brooklyn) of over 7,000 inhabitants.

§ 2. This act shall take effect immediately.

CHAP. 509.

AN ACT authorizing certain officers of the town of Orleans to issue bonds to pay indebtedness of said town.

PASSED May 28, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. George H. Strough, Samuel W. Gates and Simon Folts, claiming to act as commissioners under appointment of the county judge of Jefferson county, under chapter nine hundred and seven of the laws of the State of New York, passed May eighteenth, eighteen hundred and sixty-nine, and the several laws amendatory thereof, having in April, eighteen hundred and seventy-two, issued bonds to the amount of eighty thousand dollars, bearing date February fifteen, eighteen hundred and seventy-two, reciting on their face that such bonds were issued upon the faith and credit, and in behalf of the town of Orleans, in said county of Jefferson, and the court of appeals of said State, having in eighteen hundred and seventy-three, adjudged that said Strough, Gates and Folts were never appointed such commissioners, and had no authority to act as such, for the reason that said county judge had no jurisdiction or authority to appoint them such, but in actions brought upon coupons annexed to said bonds, the United States courts having adjudged that by reason of their having been transferred to a bona fide holder, said bonds are a valid and legal indebtedness against said town and the property therein. The supervisor, town clerk and justices of the peace of said town of Orleans, or a majority of such officers, are hereby authorized and empowered to issue under their hands and seals new bonds in proper form, in behalf and on the faith and credit of said town, for the purpose of and sufficient in amount for retiring and paying any of the aforesaid bonds, which have been so adjudged a legal indebtedness Recital as to issuing of bonds and decisions of the courts. Certain town officers to issue new bonds.

against said town, and to pay so much of the interest accrued thereon pending such litigation, as such officers may deem it not expedient to levy and raise money by tax the present year to pay. Such new bonds may at his discretion be issued to retire any of the old ones at any time before maturity thereof, when the supervisor of said town shall be able to substitute therefor such new ones drawing interest at rate of six per centum or less, or can raise money on new ones at rate of six per centum or less interest, and retire the old ones, and said supervisor is authorized to negotiate a compromise with the holders of any such old bonds for payment or retirement of any thereof at less than their face value, with such new bonds or proceeds of a sale thereof. No such new bonds shall be issued drawing a greater rate of interest than six per centum, or running more than thirty years from date thereof, and time of payment shall be such that not more than one-twentieth part of the principal shall become due in any one year, and none thereof for next two years. Said supervisor may, before the issuing of such new bonds, advertise for, receive and accept proposals for a purchase of said bonds, which proposal shall state the amount and rate of interest at which such bonds will be purchased, or may sell at auction any such new bonds, after giving four weeks' public notice of such sale, in at least two newspapers published in said county, and such other as he may deem advisable, but in either case such bonds shall be sold to parties bidding the highest sum, not less than par, and offering to accept the lowest rate of interest for any of said bonds, and such terms shall be stated in such notice of sale, or for proposals for purchase, and bonds may be issued in conformity with sale thereof so proposed for and accepted or made at auction. Each bond so issued shall draw interest from its date, payable either annually or semi-annually, at discretion of the officer issuing the same. No such new bonds shall be issued prior to the maturity of the old ones, except for payment of interest now accrued and unpaid, until and unless said supervisor can negotiate for purchase and retirement of such old bonds for less than their face value, or for exchange thereof for bonds at less rate of interest, and then only for an amount sufficient to pay for those thus purchased and retired or exchanged.

May issue to retire old bonds.

Rate of interest.

Supervisor may advertise for proposals for purchase of bonds.

Not to issue till old bonds mature.

§ 2. Each bond issued pursuant to provisions of foregoing section shall be registered in the clerk's office of the said town and in the county clerk's office of the county of Jefferson, and a note of the registry thereof shall be noted thereon before same is negotiated or negotiable. The officers who shall issue any new bonds under the provisions of this act shall make and sign a statement annually on or before the first day of October in each year, showing the number, amount, date, rate of interest, time of payment, time of sale or exchange and amount received for each bond issued and sold, and if exchanged for old bonds or coupons the number, amount and time of payment of each bond and coupon received in exchange, which statement shall be entered in the book of record in the town clerk's office of said town. Every bond and coupon paid or exchanged and taken up shall be canceled by cutting out a portion of the same and of the signatures thereto by or in the presence of the town clerk and supervisor, who shall immediately make and sign a statement of the fact of such cancellation in said book of records, under the statement above required to be entered therein, which statement, signed by the town clerk and supervisor, shall show the number, amount and time of payment of each bond and coupon canceled and date of cancellation thereof. The supervisor shall also enter in books to be kept by him a duplicate of

Bonds to be registered.

Annual statement.

Bonds paid to be canceled.

Books to be kept.

both statements above required, which statement in the town clerk's office and supervisor's book shall be at all times when required open to inspection by tax payers and other officers of said town. The supervisor of said town shall hereafter, within three days after the commencement of the annual meeting of the board of supervisors of the county of Jefferson, present to said board and file with the clerk thereof a report in writing, signed by him, and verified by his oath as to the truth thereof, the total amount of bonds issued under this act, and of such old bonds then outstanding, showing the date and time when the principal of such bonds will become due, the rate and times of payment of interest thereon, the amount of such principal or interest paid; the amount of principal or interest due and unpaid or to become due before the annual tax levy and collection of tax for the year next succeeding, and the amount in his hands applicable to the payment of such principal or interest.

Supervisor to make annual report to board of supervisors.

§ 3. The said board of supervisors at such annual meeting, when such report is received, shall cause to be levied and raised by tax on the taxable property of said town the amount necessary to pay the principal and interest due and to become due before the time for the annual tax levy and collection of tax for the year then next succeeding, as shown by said report, after deducting the amount of money reported on hand for that purpose. The amount so levied and raised by tax when collected shall be paid over to the supervisor of said town, to be by him applied to the purpose for which it was so levied and collected. Before any such money shall be paid to said supervisor, he shall execute to the town and deliver to the town clerk a bond with two or more sureties, in double the amount of the money to be received by him, as near as can be ascertained, conditioned for the proper and due disbursement of such money and the faithful accounting therefor, which bond shall be approved as to its manner of execution and sufficiency of the sureties, by the county judge of said county or a justice of the supreme court therein residing, and shall be renewed annually. All bonds and coupons paid by the supervisor with money so raised shall be canceled in like manner as in this act above provided, and a full record thereof kept and entered in records of town clerk and supervisor's book as above provided, and such canceled coupons and bonds shall by said supervisor be presented at its next annual meeting, after payment thereof, to the board of officers for auditing town charges, together with his report in writing of disbursement and application of the money so raised and paid to him showing the date, number and amount of all bonds and coupons paid by him and canceled during the preceding year, and said board shall give such supervisor a receipt for said canceled bonds and coupons, setting forth the date, number and amount of each. Said board of auditors shall indorse the date of the receipt of such report thereon and cause it to be recorded in the town clerk's office, and the original with all the canceled bonds and coupons to be deposited in the county clerk's office for safe-keeping.

Annual tax.

Supervisor's bond.

Canceled bonds to be presented to annual meeting of auditors.

§ 4. Each and every of the officers named in this act, who shall issue any bond or coupon in violation of the provisions of this act, or misappropriate the same or any of the proceeds of the sale thereof, shall be liable to said town, in an action to be brought in its name, for the full amount of such bond, coupon or money misappropriated, and shall also be guilty of a criminal offense and punished by fine not exceeding five thousand dollars or imprisonment not exceeding five years, or both such fine and imprisonment.

Officers issuing bonds in violation of this act guilty of a criminal offense.

Act how to be construed.

§ 5. Nothing in this act contained or any thing done pursuant to its authority shall, or shall be construed to, affect any action now pending, or to affect or impair any right of action in behalf of said town of Orleans, or any tax payer or property owner therein, against any person or party, arising out of the alleged illegal issuing, negotiating or transferring any of the bonds made by Strough, Gates and Folts as stated in section one of this act.

§ 6. This act shall take effect immediately.

CHAP. 510.

AN ACT to regulate voting by stock and bondholders of railroad corporations.

PASSED May 29, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official oath to be taken by inspectors.

SECTION 1. Before entering upon his duties each inspector of election at a meeting of the stockholders of any railroad company of this State for the purpose of electing directors thereof, or for any other purpose, shall take and subscribe, before some officer authorized to administer oaths, an oath or affirmation that he will well and truly do and perform the duties of the office of an inspector at such election, according to the best of his ability, which oath or affirmation shall be immediately filed in the office of the clerk of the county in which such election shall be held, together with a certificate of the result of the vote taken at such meeting or election.

Proxies not to be given or voted upon, except upon stock in actual possession of person giving proxy.

§ 2. It shall not be lawful for any person to vote, or to issue a proxy to any other person or persons to vote at any meeting of stockholders or bondholders, or of stockholders and bondholders of any railroad corporation in this State for the election of directors, or for any other purpose, upon any stock or bonds where the certificates for said stock or the said bonds shall not be in the possession or under the control of the person on whose behalf the vote is to be given, and such last-mentioned person shall have ceased to retain the title to the stock represented by such certificates or the said bonds as owner in his own right, or in his capacity of executor, administrator, trustee, committee, guardian or otherwise, notwithstanding said stock or bonds may still stand in his name on the books of said corporation.

Not to sell vote.

No person having the right to vote upon stock or bonds shall sell his vote or issue a proxy to vote upon such stock or bonds to any person for any sum of money, or any thing of value whatever.

Oath of voter.

Any person offering to vote upon stock or bonds registered or standing in his name shall, if required by any inspector of election, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that in voting at this election I have not, either directly or impliedly, received any promise or any sum of money, or any thing of value whatever, to influence the giving of my vote, or votes, at this election; and that I have not sold or otherwise disposed of my interest in or title to any shares or bonds in respect to which I offer to vote at this election, but that all such shares and bonds still remain in my possession or subject to my control." And any person offering to vote as agent, attorney or proxy for any other person shall, if required by inspector of election,

take and subscribe the following oath (or affirmation) : "I do solemnly swear (or affirm) that the title to the stock or bonds upon which I now offer to vote is, to the best of my knowledge and belief, truly and in good faith vested in the persons in whose name they now stand, and that the said persons still retain control of the said shares and bonds, and that I have not, either directly or indirectly or impliedly, given any promise or any sum of money, or any thing of value whatever to induce the giving of authority to vote upon such stock or bonds to me." The inspectors at any such election are authorized to administer the aforesaid oath or affirmation, and said oath and said proxies shall be filed in the office of said corporation. Any person who knowingly or willfully shall swear or affirm falsely in taking the oath or affirmation prescribed by this act shall be guilty of perjury. Any person violating any of the other provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment not exceeding one year, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Oath of proxy.

Inspectors may administer oath.

Penalty.

§ 3. This act shall take effect immediately.

CHAP. 511.

AN ACT for the relief of the Union Plank Road Company.

PASSED May 29, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Union Plank Road Company, a corporation owning and operating a stone track road through certain streets of the city of Kingston, is hereby authorized to abandon the location of its road through North Front street and Wall street, and on the Wilbur road to Greenkill avenue, in the city of Kingston, and to locate and construct its road of such material as its trustees may think best adapted for the purpose, and operate the same under its charter and the amendments thereto, through Washington avenue to its intersection with Greenkill avenue, in said city of Kingston, and through Greenkill avenue to the Wilbur road connecting at that point with the road of said company to Wilbur. Whenever said road through Washington avenue and Greenkill avenue shall be ready for use, the line now in use through North Front street, Wall street, and upon the Wilbur road to Greenkill avenue, shall be deemed abandoned. Provided, however, that such location shall not, at any time, be changed to run or be operated through Washington avenue as hereinbefore provided, unless the consent in writing of the persons representing a majority of the taxable property, which will hereafter be affected by such change, and fronting on said avenue, be first obtained and filed in the office of the clerk of the common council of said city.

Company may abandon part of its road, and construct new road in certain streets.

Proviso.

§ 2. The charter of the Union Plank Road Company, for the purpose of maintaining and operating its road from the bridge over the Esopus creek, on the west side of the city of Kingston, to the Rondout creek at Wilbur, through the streets mentioned in the first section of this act, is hereby extended for the period of twenty-five years from the time of the expiration of the present charter of said company.

Charter extended.

§ 3. This act shall take effect immediately.

CHAP. 512.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chap. 482, Laws of 1875, amended.

SECTION 1. Chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," is hereby amended by adding thereto the following additional subdivisions to section one of said act:

REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS.

Registration of marriages, etc.

31 To provide for the registration, in the clerk's office in each town and village in the county, of every marriage, birth and death which may occur in said town or village; such registration to be made upon the report, within three days of the event, of the attending clergyman, magistrate or physician. Such registration to be made in books of record, properly bound, lettered, paged, ruled, printed, indexed and prepared for the purpose, and furnished whenever necessary, and upon a written demand of the said clerk, by the board of supervisors to each town or village; the expense of which books shall be a proper county charge, to be paid for as a charge in the general expenses of the county. Such books shall be so ruled and printed that sufficient space shall be had between the lines and columns of each page thereof, to clearly and fully record the date, name, residence, locality, giving the street and number if possible, age, and disease of each person dying; and the name or names, color, age and nationality of every person married, and the date thereof; and the name or names of the parent or parents, together with the sex, color, date and place of birth of each child so born.

How to be made.

Books, how to be ruled.

Removal of dead bodies.

32. To provide by ordinance, rule, resolution or regulation for the non-removal of any dead body to any place without the limits of the said county, or to prevent the bringing to or within the limits of said county of any dead body by any railroad or steamboat corporation, or by any express company or common carrier, or by any other person or persons or corporations whatsoever; or the burial or interment of any dead body within the said county without a burial permit first being had and obtained; such permit to be based upon a medical certificate of the cause of death, or upon a coroner's inquest, or, in case where no medical certificate can be obtained, and no coroner's inquest has been held or required by law, such permit may be granted upon affidavit, duly verified by some person or persons known to the office granting such permit, stating the circumstance, time and cause of death, as nearly as the same can be ascertained, and to be issued by the clerk or a justice of the peace or police justice of the town or village in which such death occurs, or where such burial or interment is to be

Burial permits.

made, and to be recorded by him. To provide books and blank forms of permits and of medical certificates, properly printed and ruled for use for such purposes as aforesaid, and to be furnished and paid for as is provided for the books required in the next preceding section hereto. Such books and such permits shall, in each case, contain the name of the person or corporation to whom such permit of removal or of burial is given. Any willful non-observance or disobedience of any rules, ordinances, regulations or resolutions of said board of supervisors, made in accordance with the powers hereby granted, shall be deemed a misdemeanor, and be punishable as such.

Books for medical certificates.

Disobedience, etc., a misdemeanor.

33. To fix the amount and provide for the payment of the registration fees in all such cases as aforesaid, and to provide for obtaining copies of such records, and for the amount and payment of fees for such copies. Such copies duly attested by said town or village clerk shall be admitted in all the courts of this State as prima facie evidence of the facts therein set forth.

Fees.

34. To establish a fire district in any unincorporated village in this State, and to authorize such district to procure a supply of water, and to purchase apparatus for the extinguishment of fires therein, upon the application of thirty residents and freeholders of the proposed district; and to provide for the assessment, levy and collection of the cost thereof upon such district, in the same manner, at the same time, and by the same officers as the taxes of the town in which such village is located are assessed, levied and collected.

Fire districts.

35. To provide for and use all necessary means for the prevention of, and to prevent the spread of all infectious and contagious diseases, and for the payment of all expenses necessarily incurred therefor.

Prevention of, etc., of contagious diseases.

§ 2. This act shall take effect immediately.

CHAP. 513.

AN ACT entitled "An act to regulate the licensing of physicians and surgeons."

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. A person shall not practice physic or surgery within the State unless he is twenty-one years of age, and either has been heretofore authorized so to do, pursuant to the laws in force at the time of his authorization, or is hereafter authorized so to do as prescribed by chapter seven hundred and forty-six of the laws of eighteen hundred and seventy-two, or by subsequent sections of this act.

Persons who may not practice physic, etc.

§ 2. Every person now lawfully engaged in the practice of physic and surgery within the State shall, on or before the first day of October, eighteen hundred and eighty, and every person hereafter duly authorized to practice physic and surgery shall, before commencing to practice, register in the clerk's office of the county where he is practicing, or intends to commence the practice of physic and surgery, in a book to be kept by said clerk, his name, residence and place of birth, together with his authority for so practicing physic and surgery as prescribed in this act. The person so registering shall subscribe and verify by oath or affirmation, before a person duly qualified to administer

Persons who may lawfully practice must register in county clerk's office.

Affidavit to be made.

oaths under the laws of the State, an affidavit containing such facts, and whether such authority is by diploma or license, and the date of the same and by whom granted, which if willfully false, shall subject the affiant to conviction and punishment for perjury. The county clerk to receive a fee of twenty-five cents for such registration, to be paid by the person so registering.

Clerk's fee.

Penalty for violation of preceding sections.

§ 3. A person who violates either of the two preceding sections of this act, or who shall practice physic or surgery under cover of a diploma illegally obtained, shall be deemed to be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars for the first offense, and for each subsequent offense by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than thirty days nor more than ninety days, or both. The fine when collected shall be paid, the one-half to the person or corporation making the complaint, the other half into the county treasury.

How persons coming into this State may be licensed to practice.

§ 4. A person coming to the State from without the State may be licensed to practice physic and surgery, or either, within the State, in the following manner: If he has a diploma conferring upon him the degree of doctor of medicine, issued by an incorporated university, medical college, or medical school without the State, he shall exhibit the same to the faculty of some incorporated medical college or medical school of this State, with satisfactory evidence of his good moral character, and such other evidence, if any, of his qualifications as a physician or surgeon, as said faculty may require. If his diploma and qualifications are approved by them, then they shall indorse said diploma, which shall make it for the purpose of his license to practice medicine and surgery within this State the same as if issued by them. The applicant shall pay to the dean of said faculty the sum of twenty dollars for such examination and indorsement. This indorsed diploma shall authorize him to practice physic and surgery within the State upon his complying with the provisions of section two of this act.

Fee to be paid dean of faculty.

Degree of doctor of medicine to be license.

§ 5. The degree of doctor of medicine lawfully conferred by any incorporated medical college or university in this State shall be a license to practice physic and surgery within the State after the person to whom it is granted shall have complied with section two of this act.

Not to apply to medical officers of the U. S. army and navy.

§ 6. Nothing in this act shall apply to commissioned medical officers of the United States army or navy, or of the United States marine hospital service. Nor shall it apply to any person who has practiced medicine and surgery for ten years last past, and who is now pursuing the study of medicine and surgery in any legally incorporated medical college within this State, and who shall graduate from and receive a diploma within two years from the passage of this act.

§ 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAP. 514.

AN ACT to amend section twenty-four of article one of title one of chapter fifteen of part one of the Revised Statutes, entitled "Of the organization and powers of the board of regents."

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-four of article one of title one of chapter fifteen of part one of the Revised Statutes, entitled "Of the organization and powers of the board of regents," is hereby amended so as to read as follows:

Sec. 24, art. 1, chap. 15, part one, Revised Statutes, amended.

§ 24. Every such distribution shall be made in proportion to the number of pupils in each seminary who for four months during the preceding year shall have pursued therein classical studies of the higher branches of English education or both. Provided that in making such distribution the board of regents shall be authorized to apportion a certain part of said moneys, not to exceed the one-fourth part thereof, in proportion to the number of pupils in the several academies and academic departments of union schools who during the preceding year have passed the advanced examinations provided for in section six of chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-seven, entitled "An act in regard to the instruction of common school teachers in academies and union schools and to the establishing of examinations by the regents of the university as to attainments in learning."

Distribution in proportion to pupils.

Proviso.

CHAP. 515.

AN ACT to provide ways and means for the support of government.

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be imposed for the fiscal year, beginning on the first day of October, eighteen hundred and eighty, on each dollar of real and personal property of this State, subject to taxation, taxes for the purposes hereinafter mentioned, which taxes shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this State, to be held by the treasurer for application to the purposes specified, that is to say: For the general fund and for the payment of those claims and demands which shall constitute a lawful charge upon that fund during the fiscal year commencing October first, eighteen hundred and eighty, one mill and four hundred and seventy-five thousandths of a mill. For the free school fund, for the maintenance of common schools, one mill and eighty-five thousandths of one mill, and for the new capitol, six-tenths of one mill.

State tax.

Amount.

CHAP. 516.

AN ACT to amend chapter two hundred and forty, laws of eighteen hundred and twenty-seven, entitled "An act for incorporating an aqueduct association in the village of Cooperstown, in the county of Otsego."

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chap. 240, Laws of 1827, amended.

SECTION 1. Chapter two hundred and forty, laws of eighteen hundred and twenty-seven, entitled "An act for incorporating an aqueduct association in the village of Cooperstown, in the county of Otsego, is hereby amended so as to read as follows:

Corporators.

§ 1. Be it enacted by the people of the State of New York, represented in senate and assembly, that Elisha Foote, Henry Phinney, Robert Campbell, Lawrence McNamee, William H. Averill, William Nichols, and all such other persons as may become interested in the association or company hereafter to be formed for supplying the village of Cooperstown, in the county of Otsego, with water, by means of conduits or aqueducts, shall be and are hereby created a body politic and corporate in fact and in name, by the name of the "Cooperstown Aqueduct Association," and that, by the same name, they and their successors, for the time being, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of action or actions, suits, complaints, matters and causes whatsoever, and they and their successors shall have a common seal, and may change and alter the same at pleasure, and by the same name may hold real or personal estate, by purchase or otherwise, and convey the same as may be convenient for the transaction of its business, not exceeding twenty thousand dollars in the whole, exclusive of the profits or income of the said company.

Corporate name and powers.

§ 2. This act shall take effect immediately.

CHAP. 517.

AN ACT to reduce and fix the rate of interest on bonds and mortgages held by the commissioners of the United States Deposit Fund in the several counties of the State; and to amend title fourteen of chapter nine of part one of the Revised Statutes, entitled "Of the United States Deposit Fund."

PASSED May 29, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Rate of interest.

SECTION 1. The interest on all mortgages on real estate held by the commissioners for loaning the United States Deposit Fund shall be

from the first day of October, eighteen hundred and seventy-nine, six dollars upon one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time.

§ 2. Section twenty, chapter nine, title fourteen, part one of the Revised Statutes, entitled "Of the United States Deposit Fund," is hereby amended so as to read as follows:

§ 20. The said commissioners shall, on or before the first Tuesday of November in every year, pay to the treasurer of this State the interest of the money committed to their charge, respectively, by virtue of this act at the rate of six per centum per annum; subject, however, to the following deduction: The said commissioners may retain, as a compensation for their services, out of said interest in each and every year after the following rates: Upon twenty-five thousand dollars or a less sum, so committed to their charge, three-quarters of one per centum; upon the further sum of twenty-five thousand dollars, or less, half of one per centum; and where the whole sum shall exceed fifty thousand dollars, half of one per centum, except in the city and county of New York; in which city and county the commissioners shall, upon all sums exceeding fifty thousand dollars, only be permitted to retain one-quarter of one per centum.

Amount payments to State treasurer.

Compensation.

§ 3. This act shall take effect immediately.

CHAP. 518.

AN ACT releasing all the right, title and interest of the people of the State of New York to and in certain lands in the city of Brooklyn, eastern district, formerly town of Bushwick, county of Kings, formerly lying in the East river.

PASSED May 29, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the people of the State of New York, of, in and to all lands formerly under water, and made and gained out of the East river, in pursuance of an act passed April tenth, eighteen hundred and forty-nine, entitled "An act to authorize Neziah Bliss and others to erect and maintain docks in the town of Bushwick, county of Kings," is hereby released and confirmed to and in the respective owners of the upland adjoining the said lands, and their heirs and assigns, as the same have been made and gained as aforesaid by them respectively. Provided, however, that nothing herein contained shall be held to release or affect the right, title and interest of the people of the State of New York to lands under water in said East river lying outside of the bulk-head line, as now established by law.

Interest of State released.

Not to impair vested rights.

§ 2. This act shall take effect immediately.

CHAP. 519.

AN ACT supplemental to chapter three hundred and twenty-six of the laws of eighteen hundred and seventy-four, entitled "An act to provide for improvements in and adjoining the first ward in Long Island City."

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Not necessary to advertise notice of deposit of assessment rolls, except in two newspapers.

SECTION 1. It shall not be necessary to publish notice of the deposit of the assessment rolls and of the time and place of the several meetings to hear objections and correct the assessments, as prescribed by section four of chapter three hundred and twenty-six of the laws of eighteen hundred and seventy-four, entitled "An act to provide for improvements in and adjoining the first ward of Long Island City," except in two weekly newspapers published in Long Island City; nor shall it be necessary to advertise for proposals for any work to be done or materials to be furnished, as required by section eight of said act, except in two weekly newspapers published in Long Island City, and in one daily newspaper published in the city of New York, and in one daily newspaper published in the city of Brooklyn.

Id., as to work, etc., to be done.

§ 2. This act shall take effect immediately.

CHAP. 520.

AN ACT to authorize the commissioner of highways of the town of Newark Valley, in the county of Tioga, to ascertain and establish the location of the several highways situated in the said town and to reduce descriptions thereof to writing, and to have the same recorded in the office of the town clerk of said town in the place of the records thereof destroyed by fire on the fifteenth day of October, eighteen hundred and seventy-nine.

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners to ascertain location of highways.

SECTION 1. The commissioners of highways of the town of Newark Valley, in the county of Tioga, are hereby authorized to ascertain and establish, by suitable examination and survey, the location of the several highways of said town as they existed on the fifteenth day of October, eighteen hundred and seventy-nine. Said commissioners shall cause the new surveys of said highways to be reduced to writing and deposited in the town clerk's office of said town, and the town clerk of said town is hereby authorized and directed to file and record the same in his office.

New surveys.

To take place of originals.

§ 2. Said surveys upon being so made, deposited and recorded, shall thereupon take the place of the original surveys and records thereof

destroyed by fire on the fifteenth day of October, eighteen hundred and seventy-nine, and shall thereafter constitute and be the evidence of the location of the said highways with like effect and authority, in all respects, as the originals thereof so destroyed as aforesaid.

§ 3. This act shall apply only to such highways as have heretofore been regularly laid out and established as prescribed by law, or have become legal highways from the length of time they have been used as public highways. Only to apply to highways regularly laid out.

§ 4. This act shall take effect immediately.

CHAP. 521.

AN ACT to amend chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York," and to reduce the burden of taxes to be levied in said city.

PASSED May 29, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventy-six of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York," is hereby amended so as to read as follows: Sec. 76, chap 335, Laws of 1873, amended.

§ 76. The fire department shall have for its head a board to consist of three persons to be known as fire commissioners of the city of New York, who, except those first appointed, shall hold their offices for six years unless sooner removed as herein provided. There shall be in this department four bureaus. One bureau shall be charged with the duty of preventing and extinguishing fires, and of protecting property from water used at fires, the principal officer of which shall be called the "chief of department." Another bureau shall be charged with the execution of all laws relating to the storage, sale and use of combustible materials, the principal officer of which shall be called "inspector of combustibles." Another bureau shall be charged with the investigation of the origin and cause of fires, the principal officer of which shall be called "fire marshal." The fire marshal shall possess all the powers and perform all the duties now possessed and performed by the fire marshal, and appointed pursuant to chapter three hundred and eighty-three of the laws of eighteen hundred and seventy, and chapter five hundred and eighty-four of the laws of eighteen hundred and seventy-one, and the acts amendatory or supplementary thereof. Such fire marshal and his assistants shall hereafter be appointed by the board of fire commissioners, who shall possess all the powers with reference thereto conferred by said acts upon the board of police. There shall also be in the fire department a bureau to be known as the bureau of inspection of buildings. All acts relating to buildings in the city of New York, and all acts and parts of acts relating to the department of buildings in said city, or prescribing, limiting or defining the powers or duties of said department, or of any officer thereof, now in force and not inconsistent with this act, are hereby continued in full force and effect, and the said powers and

Fire department.

Bureaus.

Fire marshal.

Fire marshals and assistants, how to be appointed.

Bureau of inspection of buildings.

duties are hereby transferred to the fire department of the city of New York, and devolved upon the officers thereof. The said bureau of inspection of buildings shall, under and subject to such rules, regulations and orders as may be established by the board of fire commissioners, have charge of all matters relating to buildings and structures in the city of New York now by law devolved upon or required to be performed by the department of buildings. The affairs of said bureau shall be under the management of a suitable person, who shall be known as the "inspector of buildings," who may be authorized by the board of fire commissioners to perform any duty, or to exercise any power or authority, now by law conferred upon the superintendent of buildings. The employes of said bureau, including the chief officer thereof, shall be appointed and removed and their salaries shall be fixed and paid in the same manner as other employes of the fire department are now appointed and removed, and their salaries fixed and paid. But an intention to reduce the force and expense of said bureau, or the clerical force of said department, shall be deemed sufficient grounds for the removal of any officer or employe of said bureau, except the chief officer thereof, and of any clerk in the department. The said fire commissioners are authorized to abolish any existing office, clerkship or employment in the department of buildings as now constituted, and they may consolidate the duties of any two or more bureaus, officers, clerks or employes of said department of buildings as now organized. The annual expense of said bureau, for salaries, including the salary of the attorney to the fire department, shall not exceed the sum of forty thousand dollars. All the officers of said bureau of inspection of buildings, except clerks and messengers, shall be either practical architects, house carpenters or masons, and shall have served a regular apprenticeship as such, and shall make an affidavit to that effect, which shall be filed in the office of the fire department before their appointment to office in said bureau, and all said officers, except the chief officer of said bureau, shall, before their appointment to office in said bureau, pass an examination before the board of examiners now by law established for the examination of officers of the department of buildings, and shall furnish a certificate of such examination from said board, certifying to their competency to perform the duties of said office, which certificate shall be filed in the office of the fire department. It shall not be lawful for any officer or employe of said bureau to be engaged in conducting or carrying on business as an architect, carpenter, mason or builder while holding office in said bureau. The commissioners of the fire department, or a majority of them, may appoint a person regularly admitted to the bar and practicing in the city of New York, to be attorney to the fire department. He shall perform all the duties now required of the attorney to the department of buildings, and shall also perform such other duties connected with the fire department, as attorney, as may be required of him by the board of fire commissioners. His salary shall be paid as the salaries of other officers and employes of said department are paid. He shall be removed for cause and after an opportunity to be heard. It shall be the duty of the superintendent of buildings, or other officer in charge of the department of buildings in the city of New York, forthwith to turn over to the board of fire commissioners all books, papers, records, property, leases, moneys, accounts, claims and things of every kind and description, belonging to or in the custody of the department of buildings or of any officer or employe thereof. Thereupon, and

Inspector of buildings.

Employes in bureau of inspection of buildings.

Annual expense of bureau.

Qualifications of officers and employes.

Attorney to fire department.

Salary of.

Books, etc., to be turned over to board of fire commissioners.

within ten days after the passage of this act, the office of superintendent of buildings in said city shall cease and determine, and the department of buildings shall be abolished. Supt. of buildings abolished.

§ 2. Section one hundred and sixteen of said act, chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 116. 1. The annual salaries to be paid to persons herein named, and hereafter elected or appointed to the several specified positions in the city of New York, shall, from and after such appointment or election, be as follows, and such salaries shall be in full for all services rendered by them to the city or county in any capacity whatever: Salaries.

To the mayor, ten thousand dollars.

To the comptroller, ten thousand dollars.

To the commissioners of public works, eight thousand dollars.

To the corporation counsel, twelve thousand dollars, and all legal costs collected by him shall be paid into the treasury of the city.

To the commissioners of police, five thousand dollars each.

To the president of the department of parks, five thousand dollars.

To the commissioners of the department of parks, other than the president, nothing.

To the commissioners of the fire department, five thousand dollars each. Id.

To the commissioners of the department of public charities and correction, five thousand dollars each.

To the corporation attorney, the public administrator, and the attorney for the collection of arrears of personal taxes in the city of New York, four thousand dollars each.

To the attorney for the fire department, four thousand dollars.

To the president of the health department, five thousand dollars.

To the commissioner of the health department other than the president, four thousand dollars.

To the president of the board of aldermen, three thousand dollars.

To the members of the board of aldermen, other than the president, two thousand dollars each.

To the president of the department of taxes and assessments, five thousand dollars.

To the commissioners of the department of taxes and assessments, other than the president, four thousand dollars.

To the commissioners of the department of docks, three thousand dollars each. Id.

To the commissioners of accounts, appointed by the mayor, two thousand dollars each.

To the chamberlain, in full for all his services as chamberlain of the said city, and as county treasurer of the county of New York, in lieu of salary and of interest, fees, commissions and emoluments, twenty-five thousand dollars; and he shall pay into the city treasury all such interest, fees, commissions and emoluments; and from the time such reduction shall take effect, the only bond or undertaking required from the chamberlain shall be a bond in the sum of five hundred thousand dollars, with not less than four sufficient sureties, to be approved by the comptroller, given to the people of the State of New York, conditioned that the said chamberlain will faithfully discharge the duties of his office, and all trusts imposed on him by law in virtue of such office; and in case of any official misconduct or default on the part of such chamberlain an action upon such bond may be begun and prosecuted to judgment by the attorney-general, who shall, after first paying Chamberlain's bond.

therefrom the expense of the litigation, cause the proceeds of such judgment to be distributed as shall be lawful and equitable among the persons and objects injured or defrauded by such official misconduct or default of the said chamberlain.

Subordinate not to receive higher salary than principal.

No subordinate in any department shall receive a salary in excess of the highest salary paid to the head of the department, except that the chief engineer of docks and the superintendent of police may each receive a salary not exceeding six thousand dollars.

Maximum salaries.

The salary attached to either of the following positions on the police force shall not exceed the sum here designated as the maximum salary of such position, when held by any person hereafter appointed to the said police force:

For an inspector, three thousand dollars.

For a captain, eighteen hundred dollars.

For a surgeon, fifteen hundred dollars.

For a sergeant, twelve hundred and fifty dollars.

Id.

The salary attached to either of the following positions in the fire department shall not exceed the sum here designated as the maximum salary of such position, when held by any person hereafter appointed to the uniform force of said fire department.

For chief of battalion, two thousand dollars.

For a foreman, fourteen hundred dollars.

For an assistant foreman, thirteen hundred dollars.

For an engineer of steamers, twelve hundred dollars.

For an assistant engineer of steamers, eleven hundred dollars.

Grades and salaries in each.

The members of the uniform force of the police and fire departments respectively hereafter appointed shall, on their appointment, become members of what shall be known as the third grade, at a salary of eight hundred dollars per year; after two years of service in such third grade, they shall, if their conduct and efficiency have been satisfactory, be advanced to what shall be known as the second grade, at a salary of nine hundred dollars per year; after two years' service in such grade, they shall, on like conditions, be advanced to what shall be known as the first grade, at a salary of one thousand dollars per year. But no member of such uniform force shall be so advanced as aforesaid, except after examination by and approval of the said boards of fire and police commissioners, each in their respective departments, of their records, efficiency and conduct.

Annual salaries.

2. The annual salaries to be paid from moneys raised by tax in the city of New York, to each and every person who shall hereafter be elected or appointed to any public office, or who shall hereafter be designated for employment in any public position in said city, which office or position is hereinafter mentioned, shall be as follows, and such salaries shall be all that the persons holding such office or position shall be entitled to receive from the treasury of said city, for any and all services rendered to the city or county during the term for which such salary shall be received.

To the clerk of the superior court of the city of New York, four thousand five hundred dollars.

To the deputy clerk of said court, two thousand dollars, and to the assistant clerks in said court, one thousand five hundred dollars each.

To the clerk of the court of common pleas in and for the city and county of New York, four thousand five hundred dollars.

To the deputy clerk of said court, two thousand dollars, and to the assistant clerks, one thousand five hundred dollars each.

To the clerk of the marine court of the city of New York, three thousand dollars. Id.

To the deputy clerks of said court, two thousand dollars each, and to the assistant clerks of said court, one thousand five hundred dollars each.

To the clerks and assistant clerks of the district courts in the city of New York, three thousand dollars each.

To the clerks of the police courts in said city, three thousand dollars each.

To the attendants and officers of the several courts in the city and county of New York, one thousand dollars each.

To the district attorney of the city and county of New York, twelve thousand dollars.

3. No officer or person who is paid a salary for his services from the city treasury shall receive to or for his own use any fees, costs, allowances, perquisites of office, commissions, percentage, or moneys paid to him in his official capacity; but all fees, costs, allowances, perquisites, commissions, percentages and moneys so paid or received by any such officer or person shall be the property of the city, and shall be paid by him into the city treasury; and every such officer or person who shall receive any fees, perquisites, commissions, percentages, or other moneys which belong to the city, and should be so paid into the treasury, shall before he shall be entitled to receive or be paid his salary, make under oath a detailed statement and return to the comptroller, in such form as he may prescribe, showing the amount of all such moneys received by him since the last preceding statement and returns, and shall produce a receipt showing the payment of such sum into the treasury. The comptroller may require any such person or officer to make such statement and return to him, if it be not made as herein provided, and examine any such officer or person under oath touching the amount of any fees, costs, allowances, perquisites, commissions, percentages or moneys paid to or received by him in his official capacity.

Officers receiving salaries not to receive to their own use any fees, etc.

Return of to be made before salary is paid.

4. This section shall not be taken or construed to affect any person now in office, during his present term, nor the present lawful salary attaching to such office; but from and after the expiration of any present term in any office named in this act, the salary to be paid to any person thereafter appointed to any such office shall be as designated by this act.

Not to affect persons now in office during present term.

§ 3. It shall be the duty of every head of department in the city of New York, in the next departmental estimate of the amount required for the support of such department during the ensuing fixcal* year, to reduce the aggregate expenses of such department in such manner that the aggregate sum to be paid for salaries and compensation of persons employed by or in such department, other than the heads of such departments, and other than day laborers, shall be in such year at least ten per centum less than the aggregate amount paid for salaries and compensation of such persons employed by or in such department during the present fiscal year, and full power and authority is given to such heads of department to readjust or reduce all salaries payable in the said department, to conform to the purpose of this act, any other provision of law to the contrary notwithstanding. Nothing herein contained shall be construed to apply to the teachers in the schools, to the uniformed force of the police or fire departments, or to

Heads of departments in next estimate to reduce amount of certain salaries ten per centum below those now paid.

Not to apply to teachers in schools, etc.

* "Fixcal"—so in original.

day laborers; and the several heads of departments, including the board of education, shall, in carrying out the provisions of this section, exclude from the aggregate amount of salaries and compensation all sums paid to such excepted classes and persons. Every person shall be considered a day laborer who performs day labor and is paid therefor a sum less than two dollars per day. In making the reduction herein required, every head of department may abolish and consolidate offices and bureaus, and discharge subordinates in the same department.

"Day-laborer" defined.

Expenses not to exceed amount appropriated.

§ 4. It shall be the duty of the head of all departments of said city, and of all boards and officers charged with the duty of expending or incurring obligations payable out of the moneys raised by tax in said city, so to regulate such expenditures for any purpose or object, that the same shall not in any one year exceed the amount appropriated by the board of estimate and apportionment for such purpose or object; and no charge, claim or liability shall exist or arise against said city for any sum in excess of the amount appropriated for the several purposes as by this statute authorized.

Tax payers to be heard before final estimate is made.

§ 5. After the provisional estimate provided by law to be made each year has been returned by the board of aldermen to the board of estimate and apportionment, and before the final estimate is made as now required by law, the said last-mentioned board shall fix such sufficient time or times as may be necessary to allow the tax payers of said city to be heard in regard thereto, and the said board shall attend at the time or times so appointed for such hearing. And the said board of estimate and apportionment shall file with the said final estimate during the month of December in each year, a schedule of the names of all persons not within a department employed under the city government, the designation of their offices and employments, respectively, and the salaries and compensation fixed for each, which said schedule shall be published in the City Record.

Statement of names of persons, not within a department, employed by city.

§ 6. Except as herein otherwise provided, this act shall take effect immediately, and all acts and parts of acts inconsistent with this act are hereby repealed.

CHAP. 522.

AN ACT supplemental to chapter one hundred and seventy-eight of the laws of eighteen hundred and eighty, entitled "An act supplemental to the Code of Civil Procedure."

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Chapter 178 not to be published at public expense except in volume of session laws.

SECTION 1. Chapter one hundred and seventy-eight of the laws of eighteen hundred and eighty, entitled "An act supplemental to the Code of Civil Procedure," shall not be printed or published for the use of the State or of any State department or State officer, or otherwise, in any manner, at the expense of the State, except in the volumes containing the laws of this session of the legislature, to be printed and published as prescribed by law; nor shall it be printed or published in any newspaper, at the expense of the State, or of any county, but the same and the sections amended by said act, and also any other

acts which may be passed at this session, amending the same, shall be printed and published in a separate volume of the session laws, which shall contain no other laws. The said supplemental act shall be separately indexed at the end of the said volume, but the other act or acts in the said volume shall not be indexed.

§ 2. This act shall take effect immediately.

CHAP. 523.

AN ACT to provide for supplying the city of Kingston with pure and wholesome water.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of water commissioners.

SECTION 1. There shall be in the city of Kingston, as a department of its municipal government, a board which shall be designated "The Board of Water Commissioners of the city of Kingston," to consist of eleven members, who shall be freeholders within said city, and seven of whom shall constitute a quorum for the transaction of business. The first members of said board shall be Charles P. Ridenour, Alva S. Staples and Charles D. Bruyn, who shall hold their offices for five years; William B. Fitch, Lorenzo L. Crounse, James E. Ostrander and Patrick J. Flynn, who shall hold their offices for six years; and Edward Tompkins, Augustus Schoonmaker, James G. Lindsley and Thomas Cornell, who shall hold their offices for seven years. If the office of any of the said water commissioners, whether named in this act or subsequently appointed, shall, for any cause, become vacant, the remaining members of said board of water commissioners shall fill the vacancy for the residue of the unexpired term by appointment. As the term of each of said water commissioners expires, the remaining members of said board of water commissioners shall appoint his successor, who shall hold his office for five years. The said board of water commissioners shall have the power of removal for cause; but in all cases of appointment or removal at least seven affirmative votes shall be necessary.

Members.

Vacancies.

President.

§ 2. The commissioners shall choose one of their number as president of said board, and shall appoint a secretary, a treasurer and such other officers, agents and employees as they deem necessary, removable at their pleasure; and shall fix their compensation, which may be altered or abolished in the discretion of the board. The members of said board shall serve without pay, but shall be allowed their reasonable expenses.

Vacancies.

§ 3. The office of any water commissioner holding office under this act shall become vacant by his death, resignation, removal from said city, his refusal or neglect for six months to serve or to perform the duties of his office without being excused by a vote of the board, or by his becoming of unsound mind or ceasing to be a freeholder. Resignations may be made in writing to the board.

Powers of board.

§ 4. The said board of water commissioners is hereby authorized and empowered to construct and maintain water-works for amply supplying said city and the inhabitants thereof with pure and wholesome water, and to exercise such other powers as are necessary or appro-

priate to accomplish that purpose, and in exercising such authority and powers shall proceed in the manner hereinafter prescribed.

Preliminary investigation, surveys, etc.

§ 5. The said board of water commissioners before deciding upon or adopting any plan, system or source of water supply for said city shall, at an expense not exceeding one thousand dollars (which the said board of water commissioners may borrow for the purpose on the credit of the city of Kingston), cause all the various plans, systems and sources of water supply for said city which may by any citizen or citizens, officer or officers thereof, be submitted to it in writing for consideration, to be investigated and such preliminary surveys and estimates to be made as said board may deem expedient (and it shall be lawful to enter upon any lands for the purpose of such investigations and surveys), and as soon thereafter as may be, the said board of water commissioners shall adopt such or such parts of said plans, systems and sources of water supply for said city as in its judgment may be most feasible and best adapted to supply the requisite quantity and quality of water, and shall make a report to the common council of said city, clearly specifying and describing each plan, system and source so investigated as aforesaid, the advantages and disadvantages of each, and the probable expense of each method and of supply from each source, including the cost of purchase and condemnation of lands for that purpose, and shall in the same report state the plan, system and source adopted and its reasons therefor; which said report shall be filed with the city clerk of said city and be open to public inspection.

Report to common council.

Bonds to issue to construct water works, etc.

§ 6. In order to carry into effect the purposes of this act and to pay the expense of such preliminary surveys and investigations, and of constructing and maintaining water-works for said city, and of acquiring lands and easements for the purpose of such water-works by purchase or condemnation, the city of Kingston shall, upon the making and filing by the said board of water commissioners of the report aforesaid, but not before, issue bonds to such an amount as may be necessary, not exceeding two hundred and fifty thousand dollars. Said bonds shall be issued in the name of, and under the seal of, said city and signed by the mayor and treasurer thereof, with or without interest coupons, in such denominations or amounts as the board may deem expedient, but not less than fifty dollars each, with interest at not more than five per centum per annum payable semi-annually at the office of the treasurer of said city on the first days of February and August of each year, and shall be so classified and issued that ten thousand dollars of the principal thereof, shall fall due in the year one thousand nine hundred and ten, and ten thousand dollars of said principal shall fall due in each year thereafter until the whole amount thereof is due; and said bonds shall not be sold at less than par, and none of them shall be sold until wanted for the expense of acquiring said lands and easements, or of work done, or services rendered, or materials furnished. The proceeds of said bonds shall be paid over to the said board of water commissioners, and shall only be paid out on warrants numbered consecutively as issued and signed by the president and treasurer of said board of water commissioners; which warrants shall be issued only as fast as necessary for the purposes aforesaid. The net amount derived from receipts from all sources as hereinafter provided shall be applied to the payment of the principal and interest falling due on said bonds, and in each year in which said amount shall be insufficient for that purpose, the common council of said city shall make due provision by tax for the payment of the defi-

Amount.

How to be issued.

Rate of interest.

When payable.

Proceeds only to be paid on warrants.

Receipts to be applied to payment of bonds.

ciency, and such deficiency shall be assessed, levied and raised in the same manner as any other general tax of said city, and in addition to and in connection with the general taxes of said city.

Title to necessary lands to be acquired.

§ 7. The plan, system and source of water supply for said city having been adopted as aforesaid, the said board of water commissioners shall proceed to acquire the necessary lands and easements to procure such water supply from the source chosen, to construct and maintain water-works for said city according to the system or plan adopted, and to put and keep the same in operation. The said board shall also fix upon and determine the streets through which the distributing pipes of said water-works shall be laid, and it shall have full power and authority to use any street, road or highway in carrying out the objects and purposes of this act.

Rules, etc.

§ 8. The said board of water commissioners shall make, publish and enforce all needful and appropriate rules and regulations in relation to the said water-works and all the property and appliances pertaining thereto, and in relation to the management thereof, and the supply of water thereby, whether to individuals or corporations, and may alter and modify the same from time to time, and may affix a penalty not exceeding fifty dollars to the violation of any of said rules or regulations. The said common council may aid such enforcement by ordinance. The said board may prosecute in its own name or in the name of said city for all violations of said rules, regulations or ordinances.

Water rates.

§ 9. The said board of water commissioners shall fix and collect the annual, quarterly or monthly prices of water supply by means of said water-works to the dwellings, establishments or uses of individuals, companies or corporations.

Moneys, how to be applied.

§ 10. The moneys derived from the penalties and prices of water supply, mentioned in sections eight and nine of this act, shall be applied first to the payment of the expenses of the ordinary maintenance and management of said water-works and the business thereof, and may be paid out upon such warrants as are prescribed in and by section six of this act. If the receipts from all of said sources shall be more than sufficient for said purposes, the balance thereof, so far as necessary for the purpose, shall be paid over to the treasurer of the city of Kingston, to be applied by him to the payment of the interest on the bonds issued by said city pursuant to and for the purpose mentioned in section six of this act, and to no other purpose or purposes whatsoever. If the said receipts shall be more than sufficient for both of said purposes, the balance thereof shall be paid into the city treasury for city purposes.

Books, etc.

§ 11. The said board of water commissioners shall keep books showing all its collections, receipts, expenditures, proceedings and doings, and shall make a report thereof to the said common council on the first day of November in each year and as much oftener as the said common council may require.

Willful injuries.

§ 12. Any willful act whereby the said water-works or any property, apparatus or appliances pertaining thereto shall be injured, or the supply of water obstructed, impaired or made less pure, shall be deemed a misdemeanor, and the person or persons convicted thereof shall be punished accordingly.

Title to land to vest in city.

§ 13. The title to all lands, easements and property of whatever kind acquired for the purposes of this act shall vest in the city of Kingston. The said board of water commissioners may take deeds of said lands and easements in the name of said city as grantee, and the

said deeds shall state the purposes for which said lands or easements are conveyed.

Proceedings to acquire title in case of failure to agree with owner.

§ 14. In case the said board of water commissioners is unable to agree for the purchase of any land or lands, easement or easements required for the purposes of this act, it shall have the right to acquire the same by proceedings in the supreme court. Such proceedings may be had in the name of the said board or of the said city. The said court, on the return of the order to show cause hereinafter mentioned, with proof of the due service of the same, and of the petition upon which the same is founded upon the persons upon whom the same is directed to be served, or on the day to which the court may adjourn the proceeding, shall appoint three competent and disinterested freeholders as commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the lands or easements to be taken for the purposes of this act, and on the payment or deposit pursuant to the order confirming the report of said commissioners the title to said lands or easements shall vest in said city, with full rights of entry, possession and use. If, on appeal, the said order of confirmation shall be reversed, there shall be a new ascertainment and appraisal by the same or other commissioners, and the second report shall be final and conclusive on all the parties interested. Such appeal shall not affect the said rights of entry, possession

Id.

and use or the title acquired by said city. Such proceedings shall be instituted by petition presented to the supreme court at any special term thereof held in the third judicial district of this State. The petition shall describe the said lands or easements, specify the purposes for which they are required, the liens and incumbrances thereon, the ages and residences of the owners thereof or persons interested therein, as far as the same can be ascertained by due diligence; and state whether, if any of them are infants, idiots or lunatics, they have general guardians or committees, and if not, with whom they reside or who has the care of them, and whether there are any unknown owners or persons interested whose residences are unknown, and all other

Id

facts which the court may require for its information. Upon the presentation of such petition duly verified the court shall make an order to show cause why such commissioners should not be appointed, returnable at such time as shall be proper in view of the prescribed mode and time of service thereof. Such petition and order to show cause shall be served upon the owners and all persons whose interests are to be affected by the proceedings in the manner prescribed by the general railroad laws of this State in proceedings for taking property for railroad purposes, except that the court may, in its discretion, shorten the time of service; and such order to show cause shall prescribe all the subsequent steps to be taken in said proceedings, and such steps shall be taken accordingly. The court, in making such order and in fixing the compensation of said commissioners, and in allowing or disallowing costs, shall exercise its discretion in view of the facts of each case and its usual practice and course of procedure in similar cases and proceedings.

Authority granted not to be exercised except on vote of taxable inhabitants.

§ 15. The authority granted in and by the foregoing sections of this act shall not be exercised except upon a vote of the taxable inhabitants of said city in favor of such exercise, as provided in this section. The common council may, at the next general election, or at a special election to be appointed for that purpose, submit to the taxable inhabitants of said city a proposition to exercise said authority. The vote on such proposition shall be taken by ballot, which shall be

indorsed "Water-works," and shall have on the inside thereof, the words "For Water-works," or "Against Water-works." No person shall vote on such proposition unless he shall be an elector of said city, and shall be a bona fide tax payer therein, and shall have his name enrolled in the tax-roll of said city. The city clerk shall give ten days' notice of any such election, by publishing such notice in each of the newspapers published in said city, and by posting such notice in the form of a large hand bill in two or more public places in each ward in said city, which notice shall distinctly state the object of such election. The city clerk shall, on the day before said election, furnish to the inspectors of election a separate ballot-box for the reception of the ballots in said proposition, a copy of said notice and a certified copy of the tax payers upon said tax-roll. The ballots cast upon said proposition shall be deposited in said ballot-boxes furnished for that purpose. The said inspectors of election at the close of the polls, which shall be kept open without intermission or adjournment from eight o'clock in the morning until five o'clock in the afternoon of the day of election (unless at general election when the polls shall be open during the hours fixed by the statute) shall forthwith, without adjourning, canvass the votes in said proposition and file a statement or certificate on the same or the next day with the city clerk. The common council shall meet as soon thereafter as may be and shall then determine, declare and certify the number of votes cast for said proposition, and the number of votes cast against the same, and the result thereof, which certificate shall be filed with the city clerk. If the majority of the votes cast upon said proposition be in favor of the same, the commissioners hereinbefore named shall have power thereafter to organize and proceed under the provisions of this act but not otherwise.

Form of ballot.

Notice of election.

Polls.

Canvass.

§ 16. All acts and parts of acts heretofore passed by the legislature of this State inconsistent or in conflict with this act are hereby repealed.

§ 17. This act shall take effect immediately.

CHAP. 524.

AN ACT conferring additional powers on the boards of education of union free school district number one, of the town of Deerpark, Orange county, and school district number four, of the town of Johnstown, Fulton county, and granting additional privileges to said districts.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of education of union free school district number one, of the town of Deerpark, Orange county, and school district number four, of the town of Johnstown, Fulton county, are hereby severally authorized and empowered to employ, in behalf of said district, a superintendent of common schools, who shall have such powers and shall perform such duties as are provided by the laws of the State of New York.

Boards of education of school districts named may employ a supt. of schools.

Powers conferred on districts.

§ 2. Said union free school district number one, of the town of Deerpark, Orange county, and school district number four, of the town of Johnstown, Fulton county, shall, upon and after the passage of this act, severally have all the powers and possess all the privileges conferred upon cities and incorporated villages by section six of title three of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," as the same was amended by chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-six, entitled "An act to amend section nine of chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy-five, entitled 'An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled 'An act to revise and consolidate the general acts relating to public instruction.'"

§ 3. This act shall take effect immediately.

CHAP. 525.

AN ACT to amend chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-two, entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties."

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 18, ch. 176, Laws of 1872, amended.

SECTION 1. Section eighteen of chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-two, entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties," is hereby amended so as to read as follows:

Fees of constables.

§ 18. For any services in behalf of, or within this corporation, or under this statute, the police constables, or any town constables, or other officer, or any person deputized or designated to act as such, shall only charge and receive fees for one warrant for the arrest of any one person, however many warrants he may then have and on but one subpœna for subpœnaing any one person to attend any court or examination, however many subpœnas he may have at one time, and only one travel fee for the distance actually traveled by said police constable, officer or person deputized or designated to act as such, in the actual performance of his duty as an officer, for any one person as aforesaid; but in case of the arrest of more than one person at one time, the officer making such arrest may be allowed such further amount as shall be just, to pay him for such additional expenses as shall be necessarily caused by such arrest of more than one person. Any officer hereafter elected, or person serving the notice to dealers in intoxicating liquors, within the corporate limits of said village prohibiting the selling or giving away of the same, in accordance with the provisions of section nineteen of an act entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April sixteenth,

Id.

eighteen hundred and fifty-seven, shall be entitled to receive for serving each notice so served by him six cents only, and no allowance for mileage, which fee shall be a legal and proper charge against the town of Canandaigua, payable as other town charges are paid.

§ 2. This act shall take effect immediately.

CHAP. 526.

AN ACT making appropriations for the payment of certain awards made by the State board of audit.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons and for the objects indicated in this act, the amounts named, or such parts of those amounts, as shall be sufficient to accomplish, in full, the purposes designated by the appropriations Appropriation.

FROM THE GENERAL FUND:

For the payment of awards made by the State board of audit, the sum of four hundred and forty-one dollars and fourteen cents, or so much thereof as may be necessary, as follows: For Marion Nash, two hundred and ninety-three dollars and twenty-six cents, and for Darwin Nash, one hundred and forty-seven dollars and eighty-eight cents. Amount.

§ 2. This act shall take effect immediately.

CHAP. 527.

AN ACT to amend section two of chapter four hundred and five of the laws of eighteen hundred and seventy-nine, entitled "An act to amend sections two and ten of chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the election of officers in certain school districts.'"

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter four hundred and five of the laws of eighteen hundred and seventy-nine, entitled "An act to amend sections two and ten of chapter two hundred and forty-eight of the laws of eighteen hundred and seventy-eight, entitled 'An act in relation to the election of officers in certain school districts,'" is hereby amended so as to read as follows: Sec. 2, ch. 405, Laws of 1879, amended.

§ 2. Section ten of said act is hereby amended so as to read as follows:

§ 10. This act shall not apply to cities nor to union free school districts, whose boundaries correspond with those of an incorporated village, nor to any school district organized under a special act of the Act not to apply to cities and certain

school districts. legislature in which the time, manner and form of the election of district officers shall be different from that prescribed for the election of officers in common school districts organized under the general law,

Nor to certain counties. nor to any of the school districts in the counties of Richmond, Suffolk, Chenango, Westchester, Fulton and Queens, nor to union free school district number one of the towns of Potsdam and Norfolk, St. Lawrence county, nor to union school district number two in the town of Waterloo in the county of Seneca.

§ 2. This act shall take effect immediately.

CHAP. 528.

AN ACT to provide for the appointment of a board of elections and of registers, canvassers, inspectors and poll clerks in the city of Brooklyn, and to fix their compensation.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Mayor to appoint a member of board of elections. SECTION 1. Immediately after the passage of this act, the comptroller of the city of Brooklyn shall appoint an additional member of the board of elections of the city of Brooklyn, who shall be of the same political party as the present minority member of said board, which said member, together with the present members of the board of elections of the city of Brooklyn, shall constitute the board of elections of the city of Brooklyn for the term of five years from the first day of May, eighteen hundred and eighty, and until their successors are appointed and shall have qualified.

Terms of office of members of board. § 2. The term of office of the present members of the board of elections is hereby extended to May first, eighteen hundred and eighty-five, and they shall hold office until their successors are appointed; and the term of office of any member of the board of elections appointed under this act shall be five years, and he shall also hold office until his successor shall be appointed and shall have qualified; such appointment shall be made in the manner herein set forth; and during thirty days previous to the expiration of the said term of office, and in case of the removal, resignation or death of any member of said board, his successor shall, within thirty days after such removal, resignation or death, be appointed by the mayor of the city of Brooklyn for the remainder of the term; and the person so appointed shall be of like political faith and opinion with the member whose vacancy is to be filled. The said board shall have the power to appoint, or, in case the members cannot agree, select by lot one of its members president of said board, and each member of said board shall be paid for his services at the rate of one thousand dollars a year. The two members of said board of like political faith and opinions shall have power to appoint a clerk and to remove him from office; and the remaining two members shall have power to appoint another clerk and remove him from office. And said clerks shall each receive a salary to be fixed by such board at a rate not exceeding fifteen hundred dollars a year; and said board shall have power to employ such other assistants as may be necessary for the transaction of their business.

Appointments to vacancies to be made by mayor.

President.

Compensation.

Clerks.

Salaries.

§ 3. On the first day of May, eighteen hundred and eighty-five, the mayor of the city of Brooklyn shall appoint four proper and suitable persons, not more than two of whom shall be of the same political party, who shall constitute the board of elections of the city of Brooklyn. No person holding any public office of any kind under either the United States, State, county or municipal government, nor any employe of any bureau department, shall be eligible as a member of said board of election. And all votes cast at any general election or special election for any person who shall have, during any portion of the three months previous to such election, served as a member of said board of elections, for any office shall be absolutely void, and each of said members shall take the oath of office before the city clerk of the city of Brooklyn, before entering upon the duties of his office.

Mayor to appoint members of board.

Qualifications of members.

Votes cast for members, etc., void.

§ 4. On or before the fifteenth day of September, in each year, the said board of elections shall appoint registers and, on or before the fifteenth day of October, they shall also appoint inspectors and canvassers for each election district in the following manner, namely: they shall select to serve as registers of election two persons, one of whom, on State and national issues, shall be of different political faith and opinions from his associate, and that one appointed to represent the party in political minority on State and national issues in the city of Brooklyn, shall be named solely by such of the members of said board of elections as are the representatives of such political minority; they shall, in like manner, select, to serve as inspectors of elections, four persons, two of whom, on State and national issues, shall be of different political faith and opinions from their associates, and the two appointed to represent the party in political minority, on State and national issues in the city of Brooklyn, shall be named solely by such of the members of said board of elections as are the representatives of such political minority; they shall also, in like manner, select, to serve as canvassers of elections, four persons, two of whom, on State and national issues, shall be of different political faith and opinions from their associates, and the two appointed to represent the party in political minority, on State and national issues in the city of Brooklyn, shall be named solely by such of the members of said board of elections as are the representatives of such political minority. The board shall also, previous to the opening of the polls at any election, select, in like manner, to serve as poll clerks, two persons, one of whom, on State and national issues, shall be of different political faith and opinions from his associate, and the one appointed to represent the party in political minority, on State and national issues in the city of Brooklyn, shall be named solely by such of the members of said board of elections as are the representatives of such political minority. Such of the members of said board as are appointed to represent the party in political minority shall have power to remove, revoke the appointment or fill any vacancy caused by the inability to serve or resignation of any register, inspector, canvasser or poll clerk appointed or designated by them, and to appoint another in his place, and the remaining members of said board shall have power to renew or revoke the appointment of any canvasser, inspector, register or poll clerk appointed or designated by them, and to appoint another in his place, or to fill any vacancies caused by the resignation or other inability to serve of any register, inspector, canvasser or poll clerk, appointed by them at any time before the opening of the polls on election day; and the said members shall have power respectively and in like manner, to fill all other vacancies that may occur in positions

Registers.

Inspectors and canvassers.

From opposite parties.

Inspectors.

Canvassers.

Poll clerks.

Vacancies, how to be filled.

Id. theretofore filled by them before the opening of the polls on election day. In case any poll clerk, appointed, shall fail to attend at the opening of the polls on election day, the registers and inspectors of like political faith may appoint one in his place, and in case of any vacancy occurring during the voting or canvassing of votes, such vacancy may be filled by the registers and inspectors or canvassers; and the said registers and inspectors shall recognize as the only proper and competent poll clerks for the day of election, those persons who shall produce the certificates of appointment bearing the latest date, and none other; but in no case shall both the poll clerks or registers, or more than two of the inspectors or canvassers in any election district, be of the same political faith and opinions.

Registers to make registry and inspectors to hold election. § 5. The said registers of election shall make the registers of voters in the city of Brooklyn, and the said inspectors shall hold the elections as by law provided, and preside at the same and have and possess all the powers and be subject to all the duties and liabilities of inspectors of election, and for that purpose shall meet on or before the day of election and form a board of inspectors by appointing, or in case they cannot agree, by selecting by lot one of their members as chairman.

Meetings of registers. The said registers shall meet on or before the last Tuesday of September, at the place designated for holding the poll of the next general election in their respective election districts, and organize themselves as a board of registry in each election district and appoint, or in case they cannot agree, select by lot one of their number chairman of the board.

Compensation. § 6. The compensation of the registers shall be five dollars each per day for five days only, and the compensation of each inspector shall be five dollars, and that of the poll clerks shall be five dollars for the election and five dollars for the canvass, and said registers, inspectors and poll clerks shall not be exempt from jury duty by reason of having served as such, and the said canvassers shall receive no compensation, but the said canvassers shall be exempt from jury duty for one year from the date of their respective appointments; the said poll clerks shall perform such duties as are imposed by law upon poll clerks in the city of Brooklyn.

Official oaths. § 7. Each person who shall be appointed as register, poll clerk, inspector or canvasser of elections in pursuance of the provisions of this act shall, before entering upon the discharge of his duties, take the oath now prescribed by law for inspectors and canvassers of elections before a member of the board of elections or one of their clerks who are hereby authorized to administer such oaths; and the said registers shall file the same with the said board on or before the third Monday of September, and the said poll clerks, inspectors and canvassers shall file the same with said board on or before the third Monday of October preceding the day of the general election, except in cases of appointments made to fill vacancies, and in such cases the persons so appointed shall take such oaths and file the same in the office of the said board within twenty-four hours after receiving notice of his appointment; and such appointment shall be from the same political party as the person in whose place he was appointed. In case any vacancy occurs among the registers, inspectors, canvassers or poll clerks, after the opening of the poll on the day of election, it shall be filled by the remaining registers, inspectors, poll clerks and canvassers of the same political faith.

Penalty for refusal to take § 8. Every person appointed as register, poll clerk, canvasser or inspector of elections, failing to take and file the oath of office hereinbe-

fore provided for, or who shall willfully neglect or refuse to discharge the duties of such register and inspector or canvasser, shall, unless excused by the board of elections, be liable to a penalty of one hundred dollars, to be sued for and recovered by said board, in any court of record, in the name of the city of Brooklyn, for the use and benefit of the city treasury; and any register, inspector, canvasser or poll clerk, who, being removed for any cause, shall fail, upon demand, to deliver over to his successor the registry list, or any tally sheet, book, paper, memorandum or document relating to the election, so far as he has made it, shall be liable to a like penalty of one hundred dollars, to be recovered in the same manner. Oath or serve.

§ 9. Any register, inspector or canvasser of elections or poll clerk, who shall willfully absent himself from his duties, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not less than thirty days, and not to exceed sixty days; and any person knowingly acting as register, inspector, poll clerk or canvasser of election, without the qualifications herein prescribed, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished in like manner. Misdemeanor to absent willfully from duties as inspector, register, canvasser or poll clerk.

§ 10. No person shall be appointed as register, inspector, poll clerk or canvasser of elections unless he shall be, at the time of his appointment, a qualified voter of and resident of the ward containing the election district for which he may be appointed, nor unless he shall be able to read, write and speak the English language. No person shall be appointed as register, inspector or canvasser of elections or poll clerk, who shall hold, at the time of appointment, or who shall have held at any time during the period of six months last prior thereto, any public office or place of public trust (except that of notary public or commissioner of deeds), whether elected or appointed thereto; or who shall have been, during such time, employed in any public office, or by any public officer whose services are paid for out of the public moneys, or who shall be a candidate for any office at the election for which he is to serve. And any person appointed as such register, inspector, poll clerk or canvasser who shall be appointed or elected to, or except* or become a candidate for such public office or such employment therein, or by any public officer as aforesaid, shall, immediately thereupon, cease to be such register, inspector, poll clerk or canvasser, and the place of such poll clerk or canvasser shall, thereupon, be filled by the said members of the board of elections as hereinbefore provided for the filling of vacancies by the said members of the board of elections, respectively. Qualifications of inspectors, etc. Not to be candidates for office.

§ 11. The chairman of each of the board of registers, inspectors and canvassers shall, within twenty-four hours after any election, furnish to the board of elections, under his hand, a certificate stating the days of actual service of each member of such board under this act. And the chairman of the board of canvassers shall also furnish to each canvasser a certificate of his service as such canvasser, which shall entitle him to exemption from jury service for a period of one year from its date. If his certificate shall be willfully false, he shall be liable to a penalty of one hundred dollars. Certificate of service.

§ 12. The powers of appointment hereinbefore given to, and any duty required to be performed by the two members of said board of elections of like political faith and opinion, shall vest in and be Power to vest in one in case of death, etc.

*So in original.

exercised by one of said two members in case of the death, resignation or other inability to serve, of his colleague in political faith and opinion.

§ 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 14. This act shall take effect immediately.

CHAP. 529.

AN ACT to amend section thirteen hundred and twenty-three of the Code of Civil Procedure.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

On reversal or modification of final order or judgment, court may compel restitution of property, etc.

SECTION 1. Section thirteen hundred and twenty-three of the Code of Civil Procedure is hereby amended so as to read as follows:

§ 1323. When a final judgment or order is reversed or modified, upon appeal, the appellate court, or the general term of the same court, as the case may be, may make or compel restitution of property, or of a right, lost by means of the erroneous judgment or order; but not so as to affect the title of a purchaser in good faith and for value. When property has been sold, the court may compel the value, or the purchase price, to be restored, or deposited to abide the event of the action, as justice requires. When the appeal is from a judgment in favor of the owner of real estate, in an action to compel the specific performance of a contract for the sale thereof, such owner shall have the same right to sell or dispose of the same as though no appeal had been taken; unless the appellant shall file with the clerk of the court a written undertaking, in a sum fixed by the court, or a judge thereof, upon a notice to the respondent of at least ten days, and to be approved by such court or judge, to the effect that the appellant will, in case the judgment appealed from shall be affirmed, pay to such owner such damages as he may suffer by reason of such appeal, not exceeding the amount of the penalty in such undertaking. Such undertaking may be filed at any time during the appeal, but any sale of such real estate or contract to sell the same in good faith and for a valuable consideration, after said judgment and before the filing of such undertaking, shall be as valid as if such undertaking had not been filed. In case such undertaking shall not be filed, the respondent shall be entitled, at any time during such appeal, to an order discharging of record any notice of pendency of action filed in the action, and also canceling and discharging of record said contract, in case the same has been recorded.

Right to sell real estate in case of appeal unless appellant file undertaking.

When to be filed.

CHAP. 530.

AN ACT to provide for the bringing of actions for relief in certain cases where agreements, contracts and instruments in writing have been recorded.

PASSED May 31, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action to have certain contracts declared void and expunged of record.

SECTION 1. When any agreement, contract or instrument in writing, relating to real estate, other than those required by law to be recorded, shall have been recorded, or shall be hereafter recorded in the office of the clerk or register of any county in this State, any owner of such real estate, or of an undivided part thereof, or of any interest therein, who claims that agreement, contract or instrument in writing is invalid or void, or that the same cannot be enforced as against him, either in whole or in part, may bring and maintain, in any court of competent jurisdiction, an action for the purpose of having such agreement, contract or instrument in writing declared void, or invalid, or for the purpose of being relieved therefrom and to have the same canceled or discharged of record, as to said real estate or his undivided part thereof or interest therein, either wholly or as to such portion of such agreement, contract or instrument in writing as may be void or invalid, or which cannot be enforced as against him.

§ 2. This act shall take effect immediately.

CHAP. 531.

AN ACT to amend chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other game."

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 23, ch. 534, Laws of 1879, amended.

SECTION 1. Section twenty-three of chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other game," is hereby amended so as to read as follows

Fishing except with hook and line prohibited.

§ 23. No person shall kill or catch, or attempt to kill or catch, any fish, except minnows, in the waters of Lake Ontario on the American side thereof, for the distance of three miles from the mouth of the Niagara river, or in Onondaga, Oneida, Seneca or Cross lakes, or in any of their outlets or tributaries, or in the American waters of the Niagara river, above Niagara Falls, in any way or manner, or by any device whatever, except with that of hook and line, and any person catching or killing any fish, except minnows, in any of the above-named waters, shall be liable to a penalty of one hundred dollars for each and every offense. No person shall kill or catch, or attempt to kill or catch, any fish except minnows, bullheads, eels, suckers and

Penalty.

Certain fish excepted.

catfish, in any other of the fresh waters or in any of the canals in this State, or in the American waters of the St. Lawrence river, in any way or manner, or by any device whatever, except that of angling by hook and line, save only in the following waters, namely: The Hudson river below the dam at Troy; Black lake, in the county of St. Lawrence; St. Regis river, Grass river and Racket river, below the line of the Ogdensburg and Lake Champlain railroad, and in Lake Ontario, except Great Sodus bay, Port bay, East bay, in the county of Wayne, Henderson harbor or Henderson bay, in the county of Jefferson; and also except in Lake Champlain, during the month of October and the first fifteen days in November; and also except in the waters of the Wallkill river, within the county of Ulster, wherein it shall be lawful for any person or persons of one and the same family or household to possess and fish for suckers and eels in the waters of said river during the months of March and April, and October and November, with a single fyke, the meshes of which shall not be less than one inch. And also, except all that part of the waters of Lake Ontario, together with its bays and inlets, lying and being in the county of Jefferson, and in that part of Oswego county lying between its Jefferson county line and the westerly line of the town of Mexico, and within one-half mile of the outlet or mouth of Salmon river, saving and excepting the shoals adjacent to Henderson bay, on the lake side from the main shore, to and including Smoke island, except during the months of November and December, which waters are hereby released from the operation of the provisions of sections twenty-three and twenty-six of the act hereby amended. No person shall knowingly sell or purchase, or have in his or her possession, any fish killed, caught or taken from any such waters contrary to the provisions of this section. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each and every such offense. And all nets, seines, traps, weir or other devices forbidden by this section are hereby declared contraband, and any person finding the same in any place where they are forbidden is hereby authorized to destroy such contraband articles, and no action for damages shall lie against him for such destruction.

Waters excepted.

Fishing for suckers and eels with fykes allowed.

This section not to apply to certain waters of Lake Ontario, its bays and inlets.

Selling or having in possession.

Penalty.

Nets, etc., contraband.

§ 2. Section twenty-four of the said act is hereby amended to read as follows:

§ 24. Any person having in his or her possession on the shores of any lake, or on the banks of or upon any waters inhabited by salmon, salmon trout, lake trout, black or Oswego bass, or muscalonge, during the closed season, without the permission of the commissioners of fisheries, any snares, nets, stake polls, or other devices used in unlawfully taking such fish, shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars; but nothing herein contained shall apply to that portion of the Hudson river south of the dam at Troy, or to Lake Ontario, or to the waters of the Walkill river in Ulster county.

Persons having in possession nets, etc., deemed guilty of misdemeanor and liable to penalty of $25.

§ 3. Section twenty-six of the said act is hereby amended to read as follows:

§ 26. No person shall fish in any of the waters or canals of this State with seines, gill-nets or fykes, the meshes of which shall be less than two and one-half inches, except in the waters excepted in the first section of this act and except in the following waters: In the waters over which Richmond county has civil jurisdiction, the meshes

Size of meshes of fykes, gill-nets, etc.

shall not be less than two inches; in the bays and salt waters, estuaries and rivers of Long Island, not less than two and one-half inches, but this prohibition shall not apply to nets used in taking "menhaden," nor to ponds where they are permitted by law; in Lake Erie and Lake Ontario, the meshes shall not be less than four and one-half inches; in the Hudson river below the dam at Troy, the meshes shall not be less than two and one-half inches, except seines, fykes, or other nets used in catching bait fish; in Coney Island creek to the mouth thereof, extending out into Gravesend bay, one-half mile each way, the meshes of which shall be four inches square, except that for eel and flounder fishing, hoop-nets, with suitable meshes, may be used within said bay between the fifteenth day of October and the first day of April. No person shall set or take any fish by any device known as pound or trap-net, in the waters of Great South bay, except so much thereof as is within the jurisdiction of the town of Islip, and not included in the Brookhaven and Smith patents, and the waters of Lake Erie, or bring any fish so taken in such waters to the shore along the same, or be engaged in procuring or preparing for market any such fish, or any part thereof, or exposing fish taken in such nets for sale in the counties bordering on such waters. Nothing in this section shall be construed as permitting the drawing of seines in the waters of the Hudson river between the upper dock at the village of Sing Sing and Croton Landing, in the town of Cortland, nor in any of the waters between the above-named points, nor in any portion of the Croton river, between the first day of June and the first day of October of any year, which drawing is hereby expressly forbidden. No* shall any thing in this section be construed to prevent the setting of fykes in the Wallkill river, in Ulster county, during the months of March and April and October and November. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars.

Id.

Not to use pound or trap-nets.

Not to draw seines in parts of Hudson and Croton rivers.

Penalty.

§ 4. Section twenty-seven of the said act is hereby amended so as to read as follows:

§ 27. Any owner or owners or lessee or lessees of lands or lands and water, whether such owner or owners, lessee or lessees be an individual or individuals, association or associations, society or societies, corporation or corporations desiring to lay out, devote or dedicate such lands or lands and water for the purpose of a private park or territory for propagating or protecting fish, birds or game, shall publish at least once a week for three months, in a paper of general circulation printed in the county or counties within which such lands or lands and water are situated, a notice describing the same. And there shall be inserted in said notice so published, a clause declaring that such lands or lands and water will be used as a private park for the purpose of propagating and protecting fish, birds and game; and it shall be the duty of such owner or owners, lessee or lessees, at any time during the publication of said notice, or within six months after the final publication thereof, to post or put up notices or signboards warning all persons against trespassing upon such private territory, which notices or signboards shall not be less than one foot square and placed not more than forty rods apart along the entire boundary of said private park or territory, when the same shall consist entirely of land, and when said private park or territory shall consist of both land and water, the notices aforesaid shall be placed in conspicuous places upon said terri-

Owners of lands, etc., to publish notice.

What notice to contain.

Signboards or notices, how to be put up or posted.

* So in original.

tory, so there shall be at least one notice or sign-board so placed or erected for every one hundred acres of said territory. And when the property to be protected shall consist of a lake or pond only, said notices shall be placed in at least four conspicuous places upon the shore of such lake or pond. But when said territory shall be inclosed by a fence or fences of reasonable capacity for protection of said premises, then notices or sign-boards of the dimensions aforesaid shall be placed on said fence or fences not more than one-half mile apart. After any such territory shall be dedicated and designated as aforesaid, all fish, birds and game, of, in or upon said territory shall be the property of the owner or owners, lessee or lessees thereof.

Fish and game to be property of owner of land.

§ 5. Section thirty-seven of the said act is hereby amended so as to read as follows:

§ 37. It shall be lawful for the board of supervisors of any county, at their annual meeting, to make any regulations or ordinances protecting other birds, fish, or game than those mentioned in this act; and, also, for the further protection of such birds, fish, or game as are in this act mentioned, except wild deer, and to this end to prohibit hunting or fishing in particular localities or waters lying within their respective counties for limited periods and during certain months of the year, and to prescribe punishments and penalties for the violation thereof, and adopt all necessary measures for the enforcement of such punishment and the collection of such penalties, and such regulations and ordinances shall be published in the papers in such county in which the session laws are published, and a certified copy thereof shall be filed in the office of the clerk of the county.

Board of supervisors may make regulations, etc.

§ 6. Any action brought or prosecuted by any district attorney pursuant to the provisions of the act hereby amended, may be discontinued by such district attorney, and neither costs nor disbursements in such action shall be recovered by any defendant therein.

Actions by district attorneys.

§ 7. No person shall take, catch or kill any California trout in any of the waters of this State, in any way or by any device, between the fifteenth day of May and the first day of September. No person shall knowingly sell or purchase or have in possession any California trout killed, taken or caught in the waters of this State during the period aforesaid. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, in addition thereto, shall be liable to a penalty of twenty-five dollars for each offense.

Not to catch California trout.

Penalty.

§ 8. The waters of Otsego lake are hereby excepted from the provisions of this act.

§ 9. This act shall take effect immediately.

CHAP. 532.

AN ACT to create a board of estimate for the county of Kings and the city of Brooklyn, and to prescribe the manner in which appropriations shall be made for the support of the government of said county and said city, and the appointment of court officers.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of estimate.

SECTION 1. The commissioners of the sinking fund of the city of Brooklyn, together with the supervisor at large and the treasurer of

the county of Kings, shall be a board of estimate, who shall, in each year, estimate the amount required to be raised by law, for all city and county purposes, including the moneys raised for the board of education and the commissioners of charities for the fiscal year next succeeding; they shall state separately what will be required for city and county purposes, respectively. The amount so raised in said city for city and county purposes shall not exceed two cents per dollar upon an amount equal to the aggregate of the assessed value of the property in said city for the previous year, and no greater amount shall be raised in said city by tax for such purposes; but nothing herein contained shall prevent the raising by tax of any further moneys which shall be required to pay the principal and interest of the city and county debt hereafter to become due. The city and county departments and officers, including the park commissioners and the commissioners of charities and the board of supervisors of Kings county, shall, on or before the fifteenth day of May in each year, transmit to the said board of estimate a statement in detail of the several amounts which, in their judgment, will be required for the use of the said board of supervisors, the said departments, officers and commissioners, respectively. The said board of estimate shall revise such statements and fix a certain amount to be raised for the use of the said board of supervisors; and each of the said several departments, officers and the said commissioners respectively for the year next ensuing.

Amount not to exceed two per cent upon assessed value.

Estimates to be submitted to board of estimate.

§ 2. The said board of estimate shall annually, on or before the first Monday in July, present to the common council of the city of Brooklyn their estimate of the amount to be raised for city purposes, and the said common council shall thereupon determine what sums shall be necessary for the year commencing the first day of January thereafter; they may, by a majority vote of all the members elected, reduce the said several amounts fixed by the said board of estimate for the said several city departments, officers and commissioners, including the board of education, but they shall not increase the said amounts; and there shall be no further action taken on the said estimates by the common council after the first Tuesday in October; the city clerk shall thereupon substitute, in each case where a reduction has been made by the common council, the amount as reduced in place of that fixed by the board of estimate, and shall, on or before the second Monday in October, certify to the board of supervisors of Kings county the said several amounts as they then stand, giving also the aggregate amount thereof, and the said aggregate amount shall be raised for city purposes in the annual tax levy next following.

Annual estimate to be submitted to common council.

Amount may be reduced.

§ 3. The said board of estimate may reduce, but shall not increase, the several amounts as estimated by the board of supervisors and other authorities and officers supported by the county of Kings, and shall certify to the board of supervisors of Kings county, on or before the first day of July in each year, the said several amounts, and the aggregate amount thereof as determined by the said board of estimate, and the said aggregate amount shall be raised in the annual tax levy next following for county purposes for the fiscal year next succeeding. The said board of supervisors of Kings county shall, during the month of July in each year, fix and regulate all salaries paid by the county of Kings, including those of court officers, which court officers shall hereafter hold their offices subject to the orders of the court, respectively, but excepting such as are fixed by the constitution of the State, and those of the employees of the commissioners of charities, so as not to exceed in the aggregate the amount fixed and determined by the

Board of estimate may reduce but shall not increase estimate submitted by board of supervisors and other authorities.

Salaries.

board of estimate for the purpose, but the salary of officers or employees of the county elected or appointed for a term fixed by the legislature shall not be reduced or increased after such officers or employees have been elected or appointed, and the said board of supervisors may, subject to the said estimates, authorize the head of each office to fix the salaries of his assistants, clerks and other subordinates respectively.

§ 4. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 533.

AN ACT to regulate the passage of lumber, logs and other timber upon the rivers of this State, recognized by law or common use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same to market or places of manufacture.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

No dam without apron to be built across navigable rivers.

SECTION 1. There shall be no dam hereafter erected on rivers within this State, recognized by law or use as public highways for the purpose of floating and running lumber, logs and other timber over or upon the same, without an apron of at least fifteen feet in width, in the middle of the current of the rivers, of a proper slope, for the safe passage of lumber, logs and other timber; nor shall any bridge hereafter be built over the aforesaid rivers, except in such manner as not to obstruct or prevent the free and uninterrupted passage of lumber, logs and other timber down and along the same.

Booms, etc., to be opened on notice.

§ 2. Any person or persons who shall hereafter erect any boom or booms or works other than dams in or across the waters of said rivers, for the purpose of stopping or securing lumber, logs or other timber, or any other proper or necessary purpose, shall, within ten days after he or they, or his or their agents, shall have received notice by or from any person who shall have lumber, logs or other timber to transport on said rivers, open the said booms or other works so as to permit the assorting and passage and to allow such lumber, logs and other timber to pass through and down said rivers; and for a failure of so doing shall be liable to a penalty of fifty dollars for each day of the continuance of such obstruction, to be recovered by any person aggrieved thereby, and in addition shall be liable for all damages sustained by any person in consequence of such obstructions; and any person willfully obstructing, by booms or otherwise, the channels of said river so that the space of thirty feet shall not be open for use shall be liable for the penalty named in this section, to be recovered by the party aggrieved, the cost and labor of such assorting and passage to be borne by the parties desiring such logs, lumber and other timber to pass below such booms.

Penalty for failure.

Shutes and aprons in connec-

§ 3. Persons desirous of floating or running lumber, logs or other timber down the rivers mentioned in the first section of this act may construct a shute or apron in connection with any dam across said

rivers, and may reconstruct any booms or other works already constructed in, over or across said rivers in such manner as to allow lumber, logs or other timber to pass by the same, and may remove obstructions in said rivers and construct such other piers, booms or other works as may be necessary for the passage of lumber, logs or other timber over and through the channels of said rivers, doing no injury or damage to the owner or occupant of such boom, dam or other works, or to the owner or occupant of any land on which such piers, booms, dams or other works may be constructed, or lands flooded thereby, and paying to such owner or occupant such damages as he or they may sustain by reason of the construction of such piers, booms, or other works, or the flooding of lands thereby, and in case the amount of such damage cannot be amicably arranged by the parties interested, the same shall be appraised by three commissioners, to be appointed by the county court of the county in which the owner or occupant claiming damage shall reside, on the application of any person interested in the appraisal of such damage, on three days' notice in writing to the opposite parties of the time and place of making such application. Such booms and other works which shall be so constructed as aforesaid, and the owners and occupants thereof shall hereafter be subject to the provisions of section two of this act.

tion with dams, etc.

Damages to be paid.

§ 4. The provisions of the foregoing sections of this act shall not be construed to impair or abridge any private or individual rights, except so far as may be necessary for the improvement of said rivers, for floating or running lumber, logs or other timber down the same.

Foregoing sections, how to be construed.

§ 5. Any person making claim for damage arising under this act shall apply within one year after the occurrence of the same, or be debarred from recovering the same.

Claims for damage.

§ 6. Any person who shall put any lumber, logs or other timber into the said rivers, for the purpose of floating and running them down the same, shall select some mark different from any mark previously recorded, and put the same on to each log or stick of timber, in a conspicuous place, so put into said rivers, and shall cause the said mark to be recorded in the county clerk's office of the county in or through which said river is, in whole or part, situated.

Marks to be put on logs and timber to be previously recorded.

§ 7. Every person who shall neglect to enter his mark, as required in the foregoing section, shall be debarred from all benefit arising from the due entry of such mark, and the assignee or vendor of such logs or timber shall be subject to the same regulations and restrictions.

Effect of neglect to record mark.

§ 8. The clerk of the county in which said mark shall be recorded shall be entitled to the sum of fifty cents for recording such mark, to be paid by the person requiring the same to be recorded, and a copy of said entry, certified by said clerk, shall be received as presumptive evidence in all courts in this State that the logs or timber having such mark is the property of the person by whom such mark was selected and recorded.

Clerk's fee.

§ 9. No person not authorized as hereinbefore directed shall stop, take up or draw to or lodge on the shore of the aforesaid named rivers, or any island therein, any lumber, logs, timber, boards or plank floating in said rivers, without the consent of the owner or owners thereof, and every person offending in the premises shall, for each offense, forfeit the sum of ten dollars to the person aggrieved, and in addition thereto shall be liable to the owner or owners of such lumber, logs, or timber for all damages sustained thereby.

Persons prohibited from landing logs, etc., without consent of owner.

Persons intending to float logs, etc., to execute bond.

§ 10. Any person or persons intending to float or run lumber, logs or other timber upon and over any of the rivers mentioned in the first section of this act shall first execute a bond with sufficient sureties, in the sum of five thousand dollars, to be approved by the county judge of the county or counties in or through which the river or rivers proposed to be used flow, and file the same in the clerk's office of said county or counties, as an indemnity against any and all loss and damage that may be occasioned or done to any and all property, public or private, in or upon said river or its banks, by the reason of the use of said river or rivers under the provisions of this act. And any person suffering such loss or damage may maintain an action in his own name against the parties executing such bond, for his loss and damage aforesaid. Until such bond shall have been executed, approved and filed as aforesaid, no person or persons shall float or run any lumber, logs, or other timber upon or over any of said rivers or assist in so doing; and whoever shall violate this provision shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment.

Condition of.

Action by persons suffering loss.

§ 11. This act shall not apply to the Hudson river, nor be construed to repeal any existing law now applicable to any river or rivers in this State.

§ 12. This act shall take effect immediately.

CHAP. 534.

AN ACT to provide for the taxation of life insurance companies.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax on Life Ins. Co's.

SECTION 1. Every life insurance company incorporated under the laws of this State shall annually, on or before the first day of February, pay to the treasurer of the State, as a tax on its corporate franchise or business in this State, a sum equal to one per centum upon the gross amount of premiums, interest and other income, exclusive of rents, received by such company during the year ending the preceding thirty-first day of December, from persons residing in this State or investments represented by or based upon property situated in this State.

Amount.

Return to treasurer and comptroller.

§ 2. Every such insurance company shall, annually, on or before the first day of February, make a return to the treasurer and comptroller of the State, signed and sworn to by its president and secretary, giving the total amount of premiums, interest and other income, exclusive of rents, received by such company during the year ending the preceding thirty-first day of December, from persons residing in this State, or investments represented by or based upon property situated in this State.

Misdemeanor to willfully neglect or refuse to make return.

§ 3. If any officer of any life insurance company, required by the preceding section to make and execute a return, shall refuse or willfully neglect to make or execute the same, such officer shall be guilty of a misdemeanor, and any such officer, who in such return shall make a willful false statement, shall be subject to the pains and penal-

ties of perjury. All taxes unpaid when due by such company under this act may be collected by action brought in the supreme court in the name of the people of the State by the attorney-general at the instance of the comptroller, and in such action the court may issue an injunction restraining the further prosecution of the business of the corporation named therein until such tax due and unpaid, together with interest and the costs of the action, are paid, and until the return required by this act is made. Action to recover tax.

§ 4. The lands and real estate of life insurance companies shall continue to be assessed and taxed where situated for State, city, town, county, village, school, or other local purposes, but the personal property of said companies, and shares of stock therein, shall hereafter be exempt from assessment or taxation except as in this act prescribed. Lands of companies to be assessed where situated.

§ 5. This act shall take effect immediately.

CHAP. 535.

AN ACT to amend section four hundred and thirty-five of the Code of Civil Procedure.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four hundred and thirty-five of the Code of Civil Procedure is hereby amended so as to read as follows: Sec. 430, amended.

§ 435. Where a summons is issued in any court of record, an order for the service thereof upon a defendant residing within the State may be made by the court or a judge thereof, or the county judge of the county where the action is triable, upon satisfactory proof, by the affidavit of a person not a party to the action, or by the return of the sheriff of the county where the defendant resides, that proper and diligent effort has been made to serve the summons upon the defendant, and that the place of his sojourn cannot be ascertained, or if he is within the State, that he avoids service, so that personal service cannot be made. Order for service of summons upon defendant residing in this state, upon what proof to be made.

§ 2. This act shall take effect immediately.

CHAP. 536.

AN ACT amending subdivision seven, chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, commonly known as the Code of Civil Procedure.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision seven of section eight hundred and seventy-two of chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six is hereby amended to read as follows: Sub. 7, sec. 872, amended.

What affidavit to state.

7. Any other fact necessary to show that the case comes within one of the last two sections, and if the party sought to be examined is a corporation, the affidavit shall state the name of the officers or directors thereof, or any of them whose testimony is necessary and material, or the books and papers as to the contents of which an examination or inspection is desired, and the order to be made in respect thereto shall direct the examination of such persons and the production of such books and papers.

§ 2. This act shall take effect immediately.

CHAP. 537.

AN ACT in relation to receivers of insolvent corporations.

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Copy report to be served on attorney-general.

SECTION 1. All receivers of insolvent corporations who are now required by law to make and file reports of their proceedings shall hereafter, at the time of making and filing such reports, serve a copy thereof upon the attorney-general of this State.

Motion by attorney-general to compel making report, etc.

§ 2. In case any receiver of an insolvent corporation shall neglect to make and file a report of his proceedings for thirty days after the time he is now required by law to make and file such report, or shall neglect for the same length of time to serve a copy thereof on the attorney-general, as required by the first section of this act, the attorney-general may make a motion in the supreme court for an order to compel the making and filing and serving a copy on him of such report, or for the removal of such receiver from his office.

Motion to remove receiver may be made by attorney-general.

§ 3. If at any time the attorney-general shall have reason to believe that the interests of the stockholders, creditors, policy-holders, depositors or other beneficiaries interested in the proper and speedy distribution of the assets of such insolvent corporation will be subserved thereby, he may make a motion in the supreme court, at a special term thereof in the third judicial district, or in the judicial district in which such insolvent corporation is located, for an order removing such receiver, or to compel him to account, or for such other or additional order or orders as to the court may seem proper to facilitate the closing up of the affairs of such receivership.

Copy of notices, papers and proposed orders to be served on attorney-general.

§ 4. A copy of all notices of motion and of all motion papers, and a copy of any other application to the court, and a copy of all papers on which the same is founded, together with a copy of the order or judgment to be proposed thereon to the court, specifying the amount of any allowance to be applied for, in any action or proceeding in which a receiver of an insolvent corporation has been or shall be appointed, shall in each case be served upon the attorney-general, in the same manner as provided by law for the service of papers on attorneys who have appeared in actions or special proceedings, and no order or judgment granted shall vary in any material respect from the relief specified in such copy order, or judgment, unless the attorney-general shall appear on the return day and have been heard in relation thereto.

§ 5. This act shall take effect immediately.

CHAP. 538.

AN ACT to amend chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter eighty-two of the laws of eighteen hundred and fifty-two, entitled 'An act in relation to writs of error in behalf of the people in criminal cases.'"

PASSED May 31, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-nine, entitled "An act to amend chapter eighty-two of the laws of eighteen hundred and fifty-two, entitled 'An act in relation to writs of error in behalf of the people in criminal cases,'" is hereby amended so as to read as follows: Sec. 1, ch. 176, Laws of 1879, amended.

§ 1. Writs of error to review any judgment rendered in favor of any defendant upon any indictment for any criminal offense, except when such defendant shall have been acquitted by a jury, and to review any decision or order quashing any indictment, may be brought in the behalf of the people of this State by the district attorney of the county where such judgment, decision or order shall be rendered or granted, upon the same being allowed by a justice of the supreme court; and the court of appeals shall have full power to review, by writ of error in behalf of the people, any such judgment, decision or order rendered, or granted in the supreme court, in favor of any defendant charged with a criminal offense. And in all cases now pending or hereafter brought, a conviction for a criminal offense shall be deemed a final judgment, when sentence shall have been suspended by the court in which the trial is had, or otherwise suspended or stayed, and such conviction shall have been reversed in due course of law by a general term of the supreme court; and the people shall be entitled to review in the court of appeals such order or judgment of reversal of such general term by writ of error, notwithstanding sentence has not been passed. Writ of error in behalf of people may issue except in case of acquittal by a jury. Conviction deemed a final judgment.

§ 2. This act shall take effect immediately.

CHAP. 539.

AN ACT to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica," as amended by chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled 'An act to revise the charter of the city of Utica.'"

PASSED June 1, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections four, twelve, sixteen, twenty-four, twenty-five, twenty-six, thirty-four, one hundred and nine, one hundred and thir- Sections of chap. 18, Laws of

1862, amended. teen, one hundred and thirty-three and one hundred and thirty-four of chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica, as amended by chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-six, entitled 'An act to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled 'An act to revise the charter of the city of Utica,'" are hereby amended so as to read, respectively, as follows:

Officers. § 4. The officers of the city shall be denominated city officers and ward officers. The city officers shall be a mayor, a recorder, a treasurer and four justices of the peace, who shall be elected by ballot by the electors of the city; a clerk and a corporation counsel, who shall be appointed by the common council; and such other officers as the common council may appoint under the provisions of this act, and a city surveyor, who shall be appointed annually by the mayor within ten days after he shall enter upon the duties of his office. The ward officers shall be, in each ward, a supervisor, one alderman, one assessor, one collector, one constable, and so many inspectors of election as shall be required by the law relative to elections. The ward officers shall be elected by ballot by the electors of the respective wards.

Official bonds. § 12. The treasurer, corporation counsel, clerk, city surveyor, policemen and collectors shall severally, before they enter upon the duties of their offices, file with the clerk a bond to the city of Utica in such penalty and with such sureties as the common council shall direct, the sureties to be approved by the common council, conditioned that they shall faithfully perform the duties of their respective offices, and account for and pay over all moneys to be received by them by virtue thereof. The common council may, at any time, by ordinance or resolution, require any other officers or servants of the corporation to file such bond.

Resignations. § 16. Resignations of any office held under the provisions of this act may be made to the common council, excepting in the cases where the power of appointment is conferred on the mayor. The common council may fill all vacancies in any offices provided for by this act for the remainder of the current year, excepting in the case of aldermen, and of officers authorized to be appointed by the mayor.

Clerk, duties of. § 24. The clerk shall keep the corporate seal and all papers belonging to the city, and shall attend the meetings of the common council and make a record of its proceedings, and perform such other duties as are required of him by this act, and such as he will be charged with by the common council. He shall keep an accurate account of all warrants issued in a book to be provided for that purpose. Copies of all papers filed in his office and transcripts from the record of the proceedings of the common council, duly certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced and proven. The city clerk shall perform the duties of clerk to the board of health and to the board of town auditors, and shall receive in full compensation for all services required of him by law an annual salary of one thousand five hundred dollars, payable quarterly.

Salary.

City surveyor, duties of. § 25. The city surveyor shall possess all the powers and perform all the duties which, by the acts hereby amended, were exercised and performed by the street commissioner, and which are now or may be hereafter prescribed by ordinances or directions of the common council. He shall prepare plans, specifications and estimates, when thereto directed by the common council, of proposed public improvements, and

shall superintend the opening of streets and the preservation of the true lines thereof. It shall be his duty to prepare maps, as far as may be practicable, of all public sewers and drains, and of all real estate belonging to the city; and he shall also make, or cause to be made, accurate maps and records of all work done by him in his official character, which maps and records shall belong to the city and shall be kept in his office and be open to the examination of all citizens of Utica. The city surveyor may be removed by the mayor upon proof of official or other misconduct, after having been furnished with a copy of the charges preferred, and given an opportunity for defense. In the occurrence of a vacancy, from any cause, in his office, the mayor shall appoint a city surveyor for the unexpired term. The city surveyor shall receive for his services an annual salary of two thousand dollars, payable quarterly, which shall be in full compensation for all services and duties required of and rendered by him; and the further sum of five hundred dollars shall be paid in quarterly installments of one hundred and twenty-five dollars each, to a competent assistant, to be selected by the city surveyor. The term of office of such assistant shall expire with the term of his principal, unless he shall be sooner removed by him.

Removal of

Salary.

§ 16.* The city surveyor shall superintend the making of public improvements ordered by the common council, and make contracts for work and labor which may be necessary, and discharge such other duties as the common council may require. He shall keep accurate accounts of all expenditures incurred by him in the performance of his duties, accompanied with statements of the expenditure, and shall render the same to the common council when thereto requested. No contract or agreement made by him on the part of the city shall be binding, until the same is ratified by the common council, but when so ratified it shall have the same effect as if executed under the corporate seal.

To superintend making of improvements.

§ 34. The common council shall appoint the clerk, a corporation counsel, and so many fence viewers, clerks of markets, sextons to have charge of the burial grounds belonging to the city, and messengers to attend upon its meetings as it may deem necessary. Such officers shall hold their office during the pleasure of the common council, except that the clerk shall hold his office during three years from the time of his appointment.

Common council to appoint clerk, etc.

§ 109. Upon the assessment being made as provided in this title, an assessment list shall be made, to resemble, as nearly as practicable, the tax list in its form, and be provided with a column in which payments can be entered by the treasurer. Two copies thereof shall be made by the clerk and signed by the mayor and clerk, one of which shall be filed with the clerk and the other delivered to the treasurer. Notice in writing, of the assessment and the amount thereof, shall be given by the city clerk to the owners or representatives, respectively, of the property assessed, within five days after the assessment shall be thus filed. Such notice shall be given by mailing the same to each owner or representative, or by leaving a copy at his usual place of residence. All the provisions of this act, relative to the tax lists mentioned in section forty-eight of this act, to the assessments therein, and to the collection and payment of the moneys thereon, shall be applicable to the assessment lists provided in this title.

Assessment list.

Notice of assessment

§ 113. In all cases where a sidewalk is directed to be constructed,

Time in which to

*So in the original.

build sidewalk.

not less than sixty days' time in case of a stone sidewalk, and thirty days in all other cases, shall be given to the owners of real estate fronting thereon, to construct the same under the direction of the city surveyor.

Descriptions of real estate to be furnished assessors.

§ 133. The common council may, from time to time, require the city surveyor to prepare and furnish to any of the assessors brief but certain descriptions of any real estate, to enable him to prepare the assessment roll of his ward, or require the city surveyor to prepare a roll for such assessor, containing the description of the real estate in the ward, with blanks for valuation and for the names of persons owning personal estate, and such other blanks as are required in assessment rolls, and the descriptions or rolls thus prepared shall be followed by the assessors in making their rolls. The services of the city surveyor, under this section, shall be audited and paid in the same manner as the assessors are paid, and he shall be allowed a reasonable compensation for his services.

Hearing complaints against assessments

§ 134. At and during the time prescribed by law for the hearing and examining of complaints in relation to assessments, the mayor and the committee of the common council on assessments shall have authority to meet with said assessor, for the purpose of hearing and examining said complaints, and in the disposition thereof shall severally have the same voice and authority possessed by said several assessors.

Notice of meeting to be given.

A written notice stating the time and place of such meeting or meetings shall be personally served by the chairman of said board of assessors, upon the mayor and each of the members of said committee on assessments, at least twenty-four hours before the time of holding said meeting or meetings.

Assessment rolls.

The assessment rolls prepared by said assessors shall be made as now prescribed by law, except that they shall contain fifth and sixth columns. The city clerk shall insert in the fifth column the city tax, and in the sixth column the county tax; he shall make one copy of each of said assessment rolls containing the city tax, and deliver the same to the city treasurer as now required by law, also one copy of each thereof for delivery to one of the supervisors of the city, as now required by law. When the board of supervisors of Oneida county shall have determined the rates of county taxes for the city of Utica, it shall be the duty of the city clerk to enter the county tax in said assessment rolls, and the copies thereof made as heretobefore stated. After the assessors of the city shall have completed their assessment in the manner provided by law, and made a separate roll for each ward of the city, they shall file the same with the clerk of the city, who shall correct any clerical errors therein, and make exact copies of each of them, which copies he shall certify to be correct, and deliver the same to one of the supervisors of the city, on or before the first day of November, to be by him presented to the board of supervisors as the assessment rolls for the several wards of the city.

§ 2. Section twenty-three of the act entitled "An act to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled 'An act to revise the charter of the city of Utica,'" passed May twentieth, eighteen hundred and seventy-six, is hereby amended so as to read as follows:

Owner to keep sidewalks in repair, etc.

§ 23. It shall in all cases be the duty of the owner of any lot or piece of land in said city to keep the sidewalks adjoining his lot or piece of land in good repair, and also the duty of every owner or occupant to remove and clean away snow and ice, or other obstructions, from such sidewalks, and to keep half the street or alley adjoining the same free from obstruction or obstacle. The city of Utica shall not

be liable for any injury caused from such sidewalks being out of repair, or unlawfully obstructed, or dangerous from snow or ice, unless actual notice of the unsafe or dangerous condition thereof has, prior to such injury, been given to the city surveyor or common council. Nor shall any citizen or property owner in said city be liable for any injury caused from such sidewalk being out of repair or unlawfully obstructed, or dangerous from snow or ice, unless actual notice of the unsafe or dangerous condition thereof has been had by, or has been given to, the person sued, prior to such injury. Nor shall any action be maintainable for damages claimed to have been caused by reason of the defective, unsafe and dangerous condition of such walks, unless notice in writing of the claim and of the time, place and defect complained of, and cause of the injury shall have been served upon the person or persons sued, within ten days after the accident or casualty causing the damage occurred. The city surveyor shall have the power to repair any sidewalk when the owner of the property shall neglect to repair the same for five days after written notice so to do has been served on him personally or at his residence, if his residence be known, and he live in the city; or otherwise by being left on the premises. The city surveyor shall also have power to clean any sidewalk from snow, ice or other obstructions where the same shall have remained for twenty-four hours. The city surveyor shall have the power to collect the expenses of any such work or repair from the owner of the property; and he shall send such owner, if his address be known, a bill of the amount thereof. The expense of such cleaning may be collected from either the owner or occupant of the property in like manner. If such expense is not paid, the city surveyor shall file his affidavit showing in detail the actual cost thereof, and the property in front of which the work, repairing or cleaning was done, with the city clerk; and he shall add the amount thereof with interest at fifteen per cent from the time such affidavit was filed, to the amount assessed against such land for the next general city tax, and the whole amount of such assessment shall be collected as is provided in reference to general city taxes. All claims against the city for damages for injuries to the person, claimed to have been caused or sustained by defects, want of repair, or obstructions from snow, ice or other causes in the streets, sidewalks or crosswalks of the city; or because of negligence of the city as to the streets, crosswalks or sidewalks of the city, shall be presented to the common council, in writing, within three months after said injury is received. Such writing shall describe the time, place, cause and extent of the injury so far as then practicable. The omission to present said claim as aforesaid within three months shall be a bar to any claim or action therefor against the city.

City and owners not liable for injuries unless actual notice has been given.

Action for damages not maintainable except notice of injury is given.

Power of city surveyor to repair sidewalks, etc.

To collect expense.

Limitation as to claims for injuries.

§ 3. No city officer of the city of Utica shall be entitled to receive any fee, reward, interest or commission from any person or source, nor any compensation except his official salary, on account of the discharge of any official duty. This section shall not apply to the compensation now allowed by law to assessors specially appointed in the case of local improvements, nor to the fees provided by law for the services of justices of the peace.

Officers not to receive fees.

§ 4. The provisions of this act referring to the city clerk, and forbidding the taking of fees by city officials shall not take effect so far as the city clerk is concerned until after the expiration of the current term of office of the present city clerk; nor shall the provisions in regard to the city surveyor and street commissioner, and forbidding the taking of fees by officials take effect so far as such officials are concerned until

Not to affect present officials.

the expiration of the current terms of office of the present city surveyor and street commissioner.

§ 5. All provisions of law conflicting with this act, in so far as they so conflict, are hereby repealed.

§ 6. Except as provided in section four, this act shall take effect immediately.

CHAP. 540.

AN ACT in relation to the valuation of the property of the president, managers and company of the Delaware and Hudson Canal Company in school districts, for the purpose of taxation.

PASSED June 1, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Assessors to apportion valuation among several school districts.

SECTION 1. It shall be the duty of the town assessors, within fifteen days after the completion of their annual assessment list, to apportion the valuation of the property of the president, managers, and company of the Delaware and Hudson Canal Company, as appears on such assessment list, among the several school districts in their town in which any portion of said property is situated, giving to each of said districts their proper portion, according to the proportion that the value of said property in each of such districts bears to the value of the whole thereof in said town.

To be in writing, etc.

§ 2. Such apportionment shall be in writing, and shall be signed by said assessors, or a majority of them, and shall set forth the number of each district, and the amount of the valuation of the property of the president, managers and company of the Delaware and Hudson Canal Company, apportioned to each of said districts; and such apportionment shall be filed with the town clerk, by said assessors, or one of them, within five days after being made; and the amount so apportioned to each district shall be the valuation of the property of said Delaware and Hudson Canal Company, on which all taxes against said Delaware and Hudson Canal Company in and for said districts shall be levied and assessed until the next annual assessment and apportionment.

Supervisor to make same in case of neglect by assessors.

§ 3. In case the assessors shall neglect to make such apportionment, it shall be the duty of the supervisor of the town, on the application of the trustees or board of education of any district, or of the said Delaware and Hudson Canal Company, to make such apportionment, in the same manner and with like effect as if made by said assessors.

Certified statement to be furnished trustees.

§ 4. The town clerk shall, whenever requested, furnish to the trustees or board of education of each district a certified statement of the amounts apportioned to such district, and the name of the company to which the same relates.

To agent of company.

§ 5. The town clerk shall, whenever requested, once each year, furnish to the agent of the said Delaware and Hudson Canal Company and to the trustees or board of education of each school district to which any portion of said appropriation belongs, a certified copy of said apportionment.

§ 6. In case any alteration shall be made in any school district, affecting the property of the said Delaware and Hudson Canal Company, the officer making such alteration shall at the same time determine what change in the valuation of the said property in such district would be just, on account of the alteration of such district, and the valuation shall be accordingly changed. In case of alteration of district; valuation to be changed.

§ 7. This act shall take effect immediately.

CHAP. 541.

AN ACT to compel the maintenance of certain lights on swing bridges across the Hudson river.

PASSED June 1, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every individual, association of individuals, company or corporation, owning, maintaining or operating a swing bridge across the Hudson river shall, during the season of navigation, between sundown and sunrise, keep and maintain the following lights: Upon every such swing bridge with water way on each side of pivot pier eight lights located as follows: On the east rest pier on or over the north end one red light, on or over the south end one red light, on the west rest pier on or over the north end one red light, on or over the north end one red light,* on or over the south end one red light, and when open a green light on each corner of said swing bridge. Upon every such swing bridge with water way on but one side of pivot pier five lights located as follows: On the rest pier nearest the channel on or over the north end one red light, on or over the south end one red light, and when such swing bridge is open a green light at each end thereof upon the corners nearest the channel. Said lights to be of the usual brilliancy of lights used for such purposes known as signal lanterns. Lights upon swing bridges. Description.

§ 2. Every person, association, company or corporation who shall violate the foregoing provisions shall for every such offense be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not exceeding the sum of one hundred dollars. Violation of this act a misdemeanor.

§ 3. This act shall take effect July first, eighteen hundred and eighty.

CHAP. 542.

AN ACT to provide for raising taxes for the use of the State upon certain corporations, joint-stock companies and associations.

PASSED June 1, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hereafter, it shall be the duty of the president or treasurer of every association, corporation or joint-stock company liable to President or treasurer to

* So in original.

make annual report to comptroller on or before the 15th of November.

be taxed on its capital stock, as provided in section three of this act, to make report in writing to the comptroller, annually, on or before the fifteenth day of November, stating specifically the amount of capital paid in, the date, amount and rate per centum of each and every dividend declared by their respective corporations, joint-stock companies or associations, during the year ending with the first day of said month.

In case where dividend has not been declared, treasurer and secretary to estimate and appraise capital stock.

In all cases where any such corporation, joint-stock company or association shall fail to make or declare any dividend upon either its common or preferred stock during the year ending as aforesaid, or in case the dividend or dividends made or declared upon either its common or preferred stock, during the year ending as aforesaid, shall amount to less than six per centum upon the par value of the said common or preferred stock, the treasurer and secretary thereof, after being duly sworn or affirmed to do and perform the same with fidelity, according to the best of their knowledge and belief, shall, between the first and fifteenth days of November, in each year, in which no dividend has been made or declared as aforesaid, or in which the dividend or dividends made or declared upon either its common or preferred stock amounted to less than six per centum upon the par value of said common or preferred stock, estimate and appraise the capital stock of such company upon which no dividend has been made or declared, or upon the par value of which the dividend or dividends made or declared amounted to less than six per centum, at its actual value in cash, not less, however, than the average price which said stock sold for during said year; and when the same shall have been so truly estimated and appraised, they shall forthwith forward to the comptroller a certificate thereof, accompanied by a copy of their said oath or affirmation, by them signed, and attested by the magistrate or other person qualified to administer the same; provided, that if the comptroller is not satisfied with the valuation so made and returned, he is hereby authorized and empowered to make a valuation thereof and to settle an account upon the valuation so made by him for the taxes, penalties and interest due the estate thereon; and any association, corporation or joint-stock company dissatisfied with the account so settled may within ten days appeal therefrom to the board of equalization, which board, on such appeal, shall affirm or correct the account so settled by the comptroller, and the decision of said board shall be final; but such appeal shall not stay proceedings unless the full amount of the taxes, penalties and interest as due on said account, as settled by the comptroller, be deposited with the State treasurer.

Certificate of appraisal and copy oath to be forwarded to comptroller.

When comptroller may make valuation.

Appeal.

Comptroller to add ten per centum to tax in case of failure to make report, etc.

§ 2. If the said officers of any such corporation, joint-stock company or association shall neglect or refuse to furnish the comptroller, on or before the fifteenth day of November of each and every year, with the report aforesaid, or the certificate of appraisement, and oath or affirmation, as the case may be, as required by the first section of this act, it shall be the duty of the comptroller of the State to add ten per centum to the tax of said corporation for each and every year for which such report or certificate of appraisement and oath or affirmation were not so furnished, which per centage shall be assessed and collected with the said tax in the usual manner of assessing and collecting such taxes; provided, that if said officers of any such corporation, joint-stock company or association shall intentionally fail to comply with the provisions of the first section of this act for two successive years, the comptroller shall report the fact to the governor, who, if he shall be made satisfied that such failure was intentional, shall there-

In case of failure for two suc-

upon direct the attorney-general to take proceedings, in the name of the people of this State, to declare the charter of said corporation, joint-stock company or association forfeited, and its chartered privileges at an end; and for such intentional failure, the charter, chartered privileges, corporate rights and franchises of every such corporation, joint-stock company or association shall cease, end, and be determined.

cessive years comptroller to report fact to governor.

§ 3. Every corporation, joint-stock company or association whatever, now or hereafter incorporated under any law of this State, or now or hereafter incorporated by any other State or country and doing business in this State, except savings banks, and institutions for savings, life insurance companies, banks and foreign insurance companies, and manufacturing corporations carrying on manufacture within this State, shall be subject to and pay a tax into the treasury of the State annually, to be computed as follows: If the dividend or dividends, made or declared by such corporation, joint-stock company or association, during any year ending with the first Monday in November, amount to six or more than six per centum upon the par value of its capital stock, then the tax to be at the rate of one-quarter mill upon the capital stock for each one per centum of dividend so made or declared, or if no dividend be made or declared, or if the dividend or dividends made or declared do not amount to six per centum upon the par value of said capital stock, then the tax to be at the rate of one and one-half mills upon each dollar of a valuation of the said capital stock made in accordance with the provisions of the first section of this act; and in case any such corporation, joint-stock company or association shall have more than one kind of capital stock, as for instance, common and preferred stock, and upon one of said stocks a dividend or dividends amounting to six or more than six per centum upon the par value thereof has been made or declared, and upon the other no dividend has been made or declared or the dividend or dividends made or declared thereon amount to less than six per centum upon the par value thereof, then the tax shall be at the rate of one-quarter mill for each one per centum of dividend made or declared upon the capital stock, upon the par value of which the dividend or dividends made or declared amount to six or more than six per centum, and in addition thereto, tax shall be charged at the rate of one and one-half mills upon each dollar of a valuation, made also in accordance with the provisions of the first section of this act, of the capital stock upon which no dividend was made or declared, or upon the par value of which the dividend or dividends made or declared did not amount to six per centum.

Annual tax.

Amount.

Id.

§ 4. It shall be the duty of the treasurer or other officer, having charge of any corporation, joint-stock company or association, upon which a tax is imposed by either of the preceding sections of this act, to transmit the amount of said tax to the treasury of the State within fifteen days from the first day of January in each and every year.

Tax to be paid between 1st and 15th of January in each year.

§ 5. Hereafter it shall be the duty of the president, secretary, or other proper officer of each and every insurance company or association incorporated by or under any law of this State, except life insurance companies, and purely mutual beneficial associations, whose fund for the benefit of members, their families, or heirs, is made up entirely of contributions of their members, and the accumulated interest thereon, to make report in writing to the comptroller semi-annually upon the first days of August and February in each year, setting forth the entire amount of premiums received on business done in this

President or other officer of insurance companies to make report to comptroller semi-annually.

What report to contain.

State by such company or association during the six months ending the preceding first days of July and January, whether the said premiums were received in money or in the form of notes, credits, or any other substitute for money, and every such corporation or association

Amount of tax.

shall pay into the State treasury at the dates aforesaid a tax of eight-tenths of one per centum upon the gross amount of said premium; provided, that said report shall be made under oath or affirmation, and that it shall be the duty of the comptroller of the State to add ten per centum to the account of any company or association whose officers shall neglect or refuse for a period of thirty days to make the said report, or to pay into the State treasury the tax imposed by this

Fire or marine insurance companies to pay tax.

section. Every fire or marine insurance company organized under the laws of any other State or country, and doing business in this State, and every person, partnership, corporation, or company doing a fire or marine insurance business in this State, shall pay into the treasury on the first day of February and August in each year, a tax of eight-

Amount.

tenths of one per centum on their gross premiums received by them on business transacted in this State during the six months preceding the first day of January and July. And every such company, person, partnership, or corporation, or the agents and officers thereof in this State shall make report in writing to the comptroller semi-annually upon the first day of February and August in each year, setting forth the entire amount of premiums received.

Tax on railroad, canal, steamboat and other companies.

§ 6. In addition to the taxes above provided for, every corporation formed for railroad, canal, steamboat, ferry, express, navigation or transportation purposes, and every elevated railway company, and every other corporation, joint-stock company or association now or hereafter incorporated by or under any law of this State, or now or hereafter incorporated by any other State or country and doing business in this State, and owning, operating or leasing to or from another corporation, joint-stock company or association, any railroad, canal, steamboat, ferry, express, navigation, pipe line or transportation route or line, or elevated railway, or other device for the transportation of freight or passengers, or in any way engaged in the business of transporting freights or passengers, and every telegraph company or telephone company incorporated under the laws of this or any other State, and doing business in this State, and every express company, palace car or sleeping car company, incorporated or unincorporated, doing business in

Rate of.

this State, shall pay to the State treasurer for the use of the State a tax of five-tenths of one per centum upon the gross earnings in this State of said corporation or company, for tolls, transportation, telegraph or express business transacted in this State, and in arriving at the gross earnings of any express, palace car or sleeping car company, or freight line, there shall be first deducted the expenses paid to any common carrier for transportation upon such business within this State. Nothing in this section contained shall be held to apply to any street surface railroad company.

Tax under sec. 6 to be paid semi-annually.

§ 7. The tax imposed under section six of this act shall be paid semi-annually, upon the first days of February and August of each year, the first payment to be made on the first day of August, A. D. eighteen hundred and eighty, and for the purpose of ascertaining the amount of the same, it shall be the duty of the treasurer, or other proper officer of the corporations, joint-stock companies or associations therein re-

Treasurer to transmit to comptroller

ferred to, to transmit to the comptroller a statement, under oath or affirmation, of the amount of the gross receipts of the said associations, corporations or joint-stock companies derived from all sources

during the preceding six months, and if any such corporation, joint-stock company or association shall neglect or refuse, for a period of thirty days after such tax becomes due, to make returns or to pay the same, the amount thereof, with the addition of ten per centum thereto, shall be collected for the use of the State as other taxes are recoverable by law, from such corporation, joint-stock company or association. statement under oath.

§ 8. The lands and real estate of the various corporations, joint-stock companies and associations mentioned in this act shall continue to be assessed and taxed where situated, but the capital stock and personal property of said corporations, joint-stock companies and associations shall hereafter be exempt from assessment or taxation, except as in this act prescribed, and no tax on gross receipts, except as in this statute authorized, shall be imposed or charged against any street horse-railroad company. Lands and real estate to be taxed as heretofore, but capital stock to be exempt.

§ 9. The taxes imposed by this act, and the revenue derived therefrom shall be applicable to the payment of the ordinary and current expenses of the State, and if any corporation, joint-stock company or association shall neglect or refuse to pay any tax by this act required to be paid, the same may be sued for in the name of the people of the State, and recovered in any court of competent jurisdiction, in an action to be brought by the attorney-general at the instance of the comptroller. Taxes to be applied to ordinary expenses of the State.

§ 10. This act shall take effect immediately.

CHAP. 543.

AN ACT to provide for the improvement of Steinway avenue, in Long Island City.

PASSED June 2, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. William H. Williams, William C. Wilson, William H. Jackson, August Rassiga and William McBride are hereby appointed commissioners to open, widen and improve Steinway avenue from Jackson avenue to Winthrop avenue, in Long Island City. Said commissioners and their successors shall be known as the Steinway avenue improvement commissioners. They shall act as a board of commissioners, and shall keep minutes of their meetings and proceedings. A majority of them shall constitute a quorum, and the vote or concurrence of a majority shall be necessary for the execution of any contracts or the transaction of any business. Upon the occurrence of any vacancy or vacancies, occasioned by the death, resignation, refusal to serve or otherwise of any of said commissioners, or their successors, such vacancy or vacancies may be filled by the remaining commissioners, and until so filled, any powers conferred and any duties imposed upon said commissioners may be exercised and discharged by the remaining commissioners. On or before the first Monday of February in each year said board shall make a written report to the mayor of Long Island City of their proceedings during the year ending with the thirty-first day of December previously. Commissioners. Quorum. Vacancies. Annual report.

To open and widen avenue.

§ 2. Said commissioners are hereby authorized and empowered to open and widen Steinway avenue within the limits aforesaid, as said avenue is laid down and designated on the commissioners' map of

Grading.

Long Island City. Said avenue shall be graded by said commissioners in accordance with the grade now established therefor by law, as soon as practicable after the title thereto shall have vested in Long Island City. If deemed expedient by said commissioners so to do, such grading may be done from time to time in sections of convenient length, as they may deem for the public interests, after title to such sections

Curbing, etc.

shall have been acquired, respectively. Said commissioners are also empowered to cause such curbing, guttering, flagging and bridging to be done, and such sewers and culverts to be constructed and shade trees to be planted, on the sections or parts of said avenue so graded, as in their judgment will best promote the public interests. On the written petition of the owners of a majority in lineal feet of lands fronting on said avenue within the limits aforesaid, said commissioners may pave or macadamize the carriageway of said avenue or any part or section thereof.

General powers of commissioners, etc.

§ 3. For the purposes of this act said commissioners, their clerk and counsel shall have and possess, respectively, the same functions, rights, powers and duties as are granted to and devolved upon the common council of said city, the city clerk of said city and the attorney and counsel to the corporation, by chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, entitled "An act to revise the charter of Long Island City," and the several acts amendatory thereof, except as hereinafter provided, and, also, except that none of the provisions of sections one and two of chapter two of title three of said act shall apply to any proceeding authorized or directed by this act. Proceedings for acquiring title to lands required for opening or widening said avenue or any part thereof may be taken in the supreme court or in the county court of Queens county, and any application in such proceedings brought in the supreme court may be made at any special term thereof held in the second judicial district.

Lands may be acquired.

Lands required for said avenue may be acquired in one or more proceedings, and at the same or different times as said commissioners shall

Expenses.

deem most expedient. All expenses heretofore incurred by said commissioners for the opening and improvement of said avenue, under the provisions of chapter four hundred and eighteen of the laws of eighteen hundred and seventy-eight, shall be deemed and taken to be expenses in, and shall be included in the assessments to be made hereunder for the opening, widening and improvements hereby provided for, and all improvement certificates heretofore issued by said commissioners under said act shall be good and valid certificates, and shall be deemed and taken to be a part of the improvement certificates authorized to be issued by this act, and shall be redeemed by the treasurer of Long Island City under the provisions hereof.

Work, etc., over $100 to be by contract.

§ 4. All work to be done, and all materials requisite to be furnished therefor, involving an expenditure of more than one hundred dollars at any one time, shall be done and furnished by contract or contracts founded on sealed bids or proposals made on public notice by advertisement for at least ten days in one or more newspapers published in Long Island City, which notice shall specify the the* time and place for receiving and publicly opening such proposals, and such contract or contracts when awarded shall be given to the lowest responsible bid-

* So in original.

der giving adequate security satisfactory to said commissioners, but said commissioners may reject any bid not deemed by them to be for the public interests. All contracts awarded, and all contractors' bonds accepted shall contain such terms, conditions, provisions and restrictions as shall seem desirable to said commissioners for the security and advantage of the property owners. Should any contractor fail to comply with the provisions of his contract, the commissioners may, in their opinion, abrogate and annul such contract, and advertise anew for carrying out the unfinished part thereof, and make a new contract or contracts therefor, until the entire work thereby contracted for shall be finished. Any contractor failing to perform his contract, or any part thereof, shall be liable to said commissioners for any damage caused by such failure, and said commissioners shall have full discretionary power in the interest of the property owners, in the prosecution of the improvements and in their dealings with contractors, to enforce their rights, by action or otherwise, to the end that such improvements may be completed in the most advantageous and economical manner.

On failure of contractor to fulfill contract same may be annulled.

§ 5. In order to pay for the several improvements authorized by this act, including the expense of opening and widening said avenue, together with the incidental expenses of making the same, said commissioners are hereby authorized and empowered to issue certificates of indebtedness to an amount not to exceed in the aggregate the sum of one hundred and eighty thousand dollars, which certificates shall be known as the "Steinway Avenue Improvement Certificates." Such certificates may be issued in direct payment for such improvements and expenses, or they may be sold or negotiated by the commissioners to obtain money to pay for said improvements and expenses, or for any part thereof, as said commissioners may deem most advantageous; but no such certificate shall be so issued, sold or negotiated at less than its par value. The commissioners shall determine the form and denominations of the certificates, except that they shall be payable to bearer, shall pass by delivery, shall bear interest at not exceeding six per centum per annum, payable semi-annually on the first days of February and August in each year; shall be redeemable out of the Steinway avenue improvement fund; shall be payable at any time at the option of the treasurer of Long Island City after the expiration of five years; and in any event in ten years from the date thereof; shall be receivable at all times at par and accrued interest in payment of any assessments hereby authorized, and of the accrued interest thereon, and also except that it shall appear upon them that they are issued under the provisions of this act. They shall be signed by the commissioners, or a majority of them, and countersigned by the treasurer of Long Island City on the written requisition of the board. It shall be lawful, however, for the owner of any certificate issued under this act to render the same non-negotiable except by his indorsement, by indorsing thereupon and subscribing a statement that said certificate is the property of such owner, and thereafter the principal sum of money mentioned in such certificate shall be payable to said owner or his legal representatives or assigns only. In order to provide for the payment of interest on outstanding improvement certificates as the same falls due, the treasurer of Long Island City is hereby authorized to issue from time to time as may be necessary therefor, interest certificates to an amount not to exceed thirty thousand dollars in the aggregate, redeemable at his option out of the first moneys that shall come into said improvement fund; such interest certificates shall be receivable at all

Certificates of indebtedness to pay for work.

Form of.

Endorsement of.

Interest certificates.

times at par and accrued interest in payment of any assessment levied under the provisions of this act and of the accrued interest thereon; such interest certificates may be issued by said treasurer in direct payment of interest on outstanding improvement certificates, or they may be sold or negotiated by him to obtain money to pay such interest; but no such interest certificates shall be issued sold or negotiated by said treasurer for any other purpose; and the amount thereof outstanding on the first day of each month shall be included and separately stated in each monthly report of such improvement certificates to be made by him to the common council.

Account of certificates to be kept.

§ 6. Said board of commissioners and said treasurer shall each keep an accurate account showing the number of each improvement certificate issued, its date, par value, when countersigned, when interest thereon is payable and when such certificate is due; on receiving any certificate in payment of any assessment or interest, or by purchase, the treasurer shall permanently and effectually cancel and deface the same and enter in separate columns, opposite to and on the same line with the record of the issue, the date of its reception or purchase, the accrued interest thereon, the amount of principal and accrued interest, the rate and amount of discount, if any, at which such certificate was purchased and the amount paid or allowed therefor. Said treasurer shall report to the common council of said city at their first regular meeting in each month, the amount of said certificates outstanding on the first day of said month.

Treasurer's report.

Cost to be certified to commissioner of estimate.

§ 7. The cost or approximate cost of the improvements (other than said opening and widening), hereinbefore authorized or directed, together with the incidental expenses of making the same, shall be estimated and ascertained by said Steinway avenue improvement commissioners, and when so estimated and ascertained shall be certified by them to the commissioners of estimate and assessment hereinbefore provided for, who shall proceed as soon as practicable after their appointment to widen said Steinway avenue as laid down on said map, and to assess therefor and for the cost of the improvements hereby authorized or directed to be made thereon, as so certified to them, and for the incidental expenses of said opening and improvements respectively, under and pursuant to the provisions of and as prescribed by chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one and the several acts amendatory thereof, and such proceedings shall thereupon and thereafter be had for correcting and confirming such assessments, respectively, as are therein prescribed with respect to assessments for like purposes levied under the provisions of said act exclusively, except as herein otherwise provided; and said assessment shall be levied upon and shall be a lien upon the same property, and to the same extent, and collection thereof may be enforced except where otherwise provided in this act, as therein prescribed for assessments for like purposes, respectively, and the acts and certificates of said Steinway avenue improvement commissioners and of said commissioners of estimate and assessment as affecting such assessments may be amended, if any errors or irregularities be discovered therein; and their amended acts and certificates shall have the same force and effect as their original acts and certificates would have had if made and done as so amended, and it is declared to be the intention of this act that the fullest powers of amendment shall be vested in such commissioners so as to promote substantial justice in the matter of said assessments and in enforcing the lien and collection thereof to the end that said Steinway avenue within the limits aforesaid may

Commissioners to proceed with work and assess expense.

Proceedings to be had.

Assessment a lien on lots.

be speedily opened, widened and improved as herein directed, and that a just and valid assessment may be levied and collected therefor, so that the entire cost, charges and expenses of such widening and improvement may be defrayed out of and with the proceeds of said assessment. In case the owners of property upon said Steinway avenue shall present to said improvement commissioners a petition as hereinbefore provided for paving or macadamizing said Steinway avenue within the limits aforesaid, the said commissioners shall ascertain the costs of such paving or macadamizing, together with the incidental expenses of doing the same, and shall certify the amount of such cost and expenses to the said commissioners of estimate and assessment, who shall be continued in office for that purpose. Said commissioners of estimate and assessment shall thereupon assess the same upon the several lots, pieces or parcels of land benefited thereby as prescribed by said chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, and the several acts amendatory thereof; and from and after the time such assessment shall have been duly made, confirmed and filed in the office of the treasurer and receiver of taxes of Long Island City, the amount so assessed upon each lot, piece or parcel of land shall be a lien thereon, shall bear interest at the same rate, and such interest shall be payable at the same times, and payment of the principal and interest of such assessment may be enforced in the same manner, by the same means, to the same extent, with the same force and effect, and within the same time or times after the filing thereof in the treasurer's office of Long Island City as is provided in regard to other assessments levied under the provisions of this act.

Proceedings in case of petition to have avenue paved.

§ 8. The district of assessment for the opening, widening and improvements hereby provided for shall be the same respectively as though such opening, widening or improvement had been made under the provisions of said chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, exclusively, and every assessment levied under the provisions of this act shall be a lien upon the real estate upon which the same shall be charged or levied from the time of the confirmation thereof and the delivery of the assessment roll to the treasurer and receiver of taxes of Long Island City; and the assessment upon any lot, piece or parcel of land may be apportioned by said treasurer under the provisions of the act last above mentioned, as amended by chapter four hundred and fifty-four of the laws of eighteen hundred and seventy-nine, with like force and effect as therein prescribed. Any assessment levied under the provisions of this act may be paid to the treasurer and receiver of taxes of Long Island City, without fee or charge, at any time within three months after the assessment roll therefor, or a certified copy thereof, shall have been filed in said treasurer's office. All assessments levied hereunder and not paid within said three months shall draw and bear interest at and after the rate of ten per centum per annum, payable semi-annually on the first days of January and July in each year, provided, however, that where there shall be not more than six months' unpaid interest on any assessment, such interest may be paid and discharged at the rate of seven per centum per annum, and that when there shall be more than six and not more than twelve months' unpaid interest thereon, such interest may be paid and discharged at the rate of eight per centum per annum, and that when there shall be more than twelve and not more than eighteen months' unpaid interest thereon, such interest may be paid and discharged at the rate of nine per,

District of assessment.

Payments may be made to treasurer.

Interest on unpaid assessments.

Partial payments.

centum per annum; any assessment may be paid in full at any time, and payments in sums of not less than one dollar may be made at any time on account thereof, or of the accrued interest thereon, but all payments on account shall be first applied to the discharge of the accrued interest, and the residue, if any, shall be credited on account of the principal. No warrant shall be required for the collection of any assessment under this act, or for the interest thereon; nor shall any warrant be required for the sale of any lands or other property for the non-payment of such assessments or interest, but all lots, pieces or parcels of land upon which any assessment shall remain unpaid, and upon which assessment there shall be three years' interest or more unpaid on the first day of July in any year, or upon which any such assessment or interest shall remain unpaid at the expiration of eight years after such assessment shall have been confirmed, and the assessment roll therefor, or a certified copy thereof, filed in the office of the treasurer and receiver of taxes of Long Island City, shall be advertised and sold for the payment of such unpaid interest or assessment, or both, as the case may be, and such sale or sales shall be made by the treasurer and receiver of taxes of said city, or by such other officer as shall then be authorized and empowered by law to sell lands situate in said city for non-payment of city taxes, and such sale or sales and all proceedings thereafter shall be the same and on the same notice and like terms, and subject to the same conditions, provisions and restrictions, and the several lots or parcels of land or property sold may be redeemed, and in default of such redemption, title thereto shall be perfected and given in the same manner, to the same extent, and with the same force and effect, and the costs, fees, charges and expenses of such sale shall be the same as shall then be prescribed by law for the sale of lands in said city for non-payment of city taxes in said city.

No warrant required for collection of assessment.

Lots to be advertised and sold.

Proceedings thereafter.

Moneys to be creditors' fund, etc.

§ 9. All moneys received by said treasurer in payment of such assessments or interest thereon shall be placed to the credit of a fund to be known as "Steinway Avenue Improvement Fund," and shall be kept separate and apart from all other moneys in his hands, and no part thereof shall be expended by him, except in payment of the interest or for the purchase or redemption of the principal of said Steinway avenue improvement certificates until all said certificates shall be fully paid, purchased or redeemed with interest as aforesaid. Whenever the treasurer of said city shall have one thousand dollars or more in his hands to the credit of said Steinway avenue improvement fund, not required for the redemption of outstanding interest certificates, or for the next semi-annual interest payment on outstanding improvement certificates, he shall give public notice by advertisement for at least one week in one or more newspapers published in Long Island City, that he will receive sealed proposals for the sale and surrender to him of such improvement certificates. Such notice shall specify the amount in his hands to be then applied to the purchase of such certificates, and shall designate the time and place for receiving and publicly opening such proposals; but not more than par and accrued interest shall be paid for such certificates, and the treasurer shall in all cases have the right to reject any and all bids not deemed by him to be for the public interests. In case the amount of improvement certificates, so advertised for, shall not be purchased pursuant to such advertisement, said treasurer is hereby authorized to call in the amount so advertised for or the residue thereof, as nearly as may be, not so purchased, by public notice by advertisement, to be published in one or more newspapers published in Long Island City once a week for two

Purchase of certificates by treasurer.

Notice.

When the treasurer may call in certificates.

consecutive weeks, which notice shall specify the number, par value and date of each certificate so called in, and shall require the same to be presented at his office for redemption on or before some day to be named in such notice, not less than thirty days after the first publication thereof, and the several certificates so designated shall cease to draw or bear interest from and after the day so named in such notice for their redemption; provided, however, that no improvement certificate shall be so called in within five years after the date of its issue. When all of the said assessments shall have been paid with interest thereon, or upon the completion of the sales for the non-payment thereof, all the said improvement certificates shall be paid off, final notice of redemption, by advertisement, to be published in one or more newspapers published in Long Island City, once a week for two consecutive weeks, shall be given by said treasurer, requiring all outstanding certificates to be presented at his office for redemption, on or before some day to be named in such final notice, not less than thirty days after the first publication thereof; and all certificates then outstanding shall cease to draw or bear interest from and after the day so named in such final notice for their redemption. If there shall be any excess to the credit of the said improvement fund after the purchase and redemption of such certificates, it shall be covered into the city treasury in payment of city taxes upon the property assessed hereunder in proportion to the total amounts assessed thereon respectively.

Final notice of redemption.

§ 10. Whenever the assessment on any lot shall have been paid in full with interest, the treasurer shall enter upon the assessment roll (or upon the certified copy thereof, as the case may be) on file in his office, opposite to and on the same line with the entry or record of the assessment so paid, the words "paid in full," with the date of such final payment, and from and after such payment and entry such lots shall be free, clear and discharged of and from the lien of such assessment. Suitable accounts shall be kept by the treasurer and receiver of taxes, in which shall be entered the amount assessed upon each lot separately, the interest thereon as the same accrues, together with the several payments of interest or principal, or both, thereon, also the payments of interest on each improvement certificate, which accounts shall be open to the inspection of all holders of certificates and all owners of property assessed.

Entry to be made on payment in full.

§ 11. The treasurer and receiver of taxes of Long Island City and his sureties shall be liable on his official bonds to said city, given after the passage of this act, for the faithful discharge of the several duties hereby imposed upon him, and for all moneys and certificates which shall come into his hands under the provisions hereof. Prior to the giving of such bonds, a temporary bond may be required by said improvement commissioners, in form and amount to be approved by them, conditioned that said treasurer will faithfully account for, apply and pay over all money which shall come into his hands under the provisions of this act, and that he will also faithfully discharge all the duties hereby devolved and imposed upon him. When such temporary security only shall have been given, further security may be required by said improvement commissioners, whenever in their judgment such further or additional security may be necessary. It shall be lawful for said improvement commissioners to furnish the treasurer of Long Island City with blank interest certificates, and to make such provision or allowance for the additional clerical assistance required in the treasurer's office by reason of this act, as they shall determine to be reasonable and just, not exceeding, however, the sum of four hundred dollars per annum for two years.

Liability on official bonds, etc.

Commissioners may authorize owner to do work.

§ 12. Said improvement commissioners may authorize the owner of any lot to grade, pave, flag and curb said avenue in front of his own property under their supervision, and upon the completion of such grading, paving, flagging and curbing, or either of them, to the satisfaction and approval of said commissioners, the person or persons doing the same shall be credited by such treasurer with such equitable proportion of the amount assessed, or to be assessed upon the several lots in front of which such improvements shall be made as aforesaid, as may be just, and as shall be agreed upon by and between said commissioners and said owner, which amount, together with a description of the lot or lots to be credited, shall be certified to said treasurer by said commissioners, or a majority of them, and by such owner; but no such credit shall be claimed for any work, unless the written consent of the commissioners to do the same was first had and obtained.

Proceedings, etc., in case of application to court.

§ 13. Should application in any form be made by any person to any court or officer having jurisdiction thereof, to vacate, set aside or modify any assessment upon any lot or parcel of land assessed under the provisions of this act, other than for opening or widening said avenue or some part thereof, it shall be competent for such court or officer, if it shall appear that any error or irregularity affecting any substantial right exists in any such assessment, to confirm so much of said assessment as shall not be irregular, and make an order specifying any errors or irregularities affecting any substantial right, and directing the board of assessors of Long Island City to correct such assessment as to such errors or irregularities only, or should the whole assessment be found irregular, to make and file a new and corrected assessment conforming to the directions of such order, which corrected or new assessment, if made, shall be made and filed in the office of said treasurer, as of the day of the assessment so corrected was originally filed therein, and thereupon such corrected assessment shall be a lien upon the several lots, pieces or parcels of land assessed in the same manner, and to the same extent and with the same force and effect as if so made and filed originally.

Official oaths.

§ 14. All officers upon whom any duty is devolved by this act shall take the constitutional oath of office.

Public act.

§ 15. This act is hereby declared to be a public act. Chapter four hundred and eighteen of the laws of eighteen hundred and seventy-eight, entitled "An act to improve Steinway avenue, Long Island City," is hereby repealed.

§ 16. This act shall take effect immediately.

CHAP. 544.

AN ACT providing for the appointment of an additional number of commissioners of deeds in the city of New York.

PASSED June 2, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of New York are hereby authorized and empowered to appoint, in addition to the number now prescribed by law, five hundred commissioners of deeds in and for said city.

§ 2. This act shall take effect immediately.

CHAP. 545.

AN ACT to amend chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-five, entitled "An act to amend the charter of the city of Brooklyn, being the act for that purpose passed June twenty-eighth, eighteen hundred and seventy-three, and the act for that purpose passed June first, eighteen hundred and seventy-four."

PASSED June 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-five, entitled "An act to amend the charter of the city of Brooklyn, being an act for that purpose passed June twenty-eighth, eighteen hundred and seventy-three, and the act for that purpose passed June first, eighteen hundred and seventy-four," is hereby amended so as to read as follows: Chap. 633, Laws of 1875, amended.

§ 2. Subdivision four of section seven of said act is amended so as to read as follows:

4. Said board of health as thus constituted, and its successors, shall have power to act as a legislative body in regard to, and shall have and exercise exclusive power in said city of Brooklyn, over all matters pertaining to public health, the removal and burial of the dead, the maintenance and operating of an ambulance service for the speedy removal of sick and injured persons, the registration of marriages, births and deaths, and to the registration of vital statistics in the said city, and to make such rules and regulations and such appointments of officers and employees as it may deem decessary for the proper carrying out and enforcement of all laws, ordinances and codes that may be prescribed for its government, for the protection of the public health, and for the proper care and registration of such statistics. The record and registration of marriages, births and deaths, and all other matters relating to vital statistics as they now are, and all records and registration of marriages, births and deaths, and all other matters relating to vital statistics hereafter made, and the record of the acts and doings of said board now made or hereafter to be made, are hereby declared to be a public record, and as such shall be deemed prima facie evidence of the facts and things therein stated, and shall be so received by all courts, boards and tribunals, public officers and departments in this State. Such records made or to be made shall be under the exclusive care, custody and control of said board. Such board shall have a seal of such design and character as it may deem proper. And a copy of its records, or any part thereof, certified by its secretary and attested by its official seal, shall be received in evidence by all boards, courts, tribunals, public officers and departments in this State with the like force and effect as if the original thereof had been produced. Power of board of health to act as a legislative body and subject matter of legislation. Seal. Copy of records to be evidence.

§ 3. Subdivision five of section seven of said act is amended so as to read as follows:

5. The said board of health is hereby authorized and directed to prepare such ordinances as it shall deem to be required for the protection of the public health, and for securing the proper registration of Ordinances.

births, marriages and deaths, and such other statistical information necessary for efficient working of the department with penalties for their violation, which ordinances shall be by said board submitted to the common council, and when approved by said common council shall have and possess the same power and effect as other ordinances of said city, and shall be carried out and executed by said board of health. Every violation of any ordinance so prepared and approved, or any part thereof, is hereby declared to be a misdemeanor. No ordinance so prepared and approved shall be repealed or amended without the approval of said board.

§ 4. Subdivision eight of section seven of said act is amended so as to read as follows:

Enforcement of.

8. The said department of health shall have full power to enforce and carry out all ordinances, rules or regulations for the preservation of the public health, the removal and burial of the dead, the maintenance of an ambulance service and for the registration of vital statistics, as may be hereafter enacted by the common council of the city of Brooklyn, or in the manner prescribed by this act, and to prohibit in said city any business or practice which said board of health shall declare to be detrimental or dangerous to the public health. But no established business or the rights to property of any person shall be interfered with or prohibited, until the offender or offenders, therewith charged, shall have been duly summoned by notice of not less than five days to appear before said board to show cause why such declaration or order of prohibition shall not be enforced against the said party or parties charged, nor until they shall have an opportunity to be heard. And upon the rendition of the decision of the said board of health that said business or practice is detrimental to the public health, the said person or persons so charged shall have the right of appeal from such decision to the city court of the city of Brooklyn, upon petition reciting the said charges and decision directed to the said city court of Brooklyn, a copy of which petition shall be duly served upon the said board of health within five days from the rendition of said decision; and the said city court shall proceed to a hearing and determination of such matter, which hearing shall be by trial of the issues embraced in the said petition, before said court, upon such day as the said court shall fix at its then existing or first term thereafter; and the decision of said city court in said matter shall be final. But no such appeal shall be had or taken until a bond, to be approved by the court, shall have been duly filed with the court, conditioned in the sum of five hundred dollars, that the said appellant will pay to the board of health of said city all costs which may be awarded against said appellant in case the said decision rendered by the said board of health, and appealed from, shall be affirmed by final judgment. Such appeal shall be heard at a general term of said city court, whose judgment thereon shall be given within twenty days after the final submission thereof.

Offenders to be summond before board.

Appeal to city court.

Bond on appeal.

CHAP. 546.

AN ACT to provide for the revision, amendment and consolidation of the act entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the Military Code,'" and all acts amendatory thereof and supplemental thereto, or relating to the organization and government of the militia of the State.

PASSED June 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Governor to appoint commissioners to revise military code.

SECTION 1. The governor is hereby authorized and empowered, within three weeks after the passage of this act, to appoint three commissioned officers of the national guard of the State of New York, one of whom shall be a counselor-at-law of the supreme court, of at least ten years' standing, as commissioners, who, with the adjutant-general, inspector-general and chief of ordnance, shall revise, amend and consolidate the act entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the Military Code,'" and all acts amendatory thereof and supplemental thereto, or relating to the organization and government of the militia of the State.

Revision to be in form of one act and reported to legislature.

§ 2. The revision, amendments and consolidation so made by said commissioners shall be prepared in form and included in one act, and the same shall be by them reported to the legislature between the first and fifteenth days of January, eighteen hundred and eighty-one.

Compensation.

§ 3. The three commissioners, other than the adjutant-general, inspector-general and chief of ordnance, shall each receive, as compensation for his services, the sum of five hundred dollars. The reasonable expense of clerical service and other incidental matters, not to exceed one thousand dollars, shall also be paid to them. The aforesaid several sums shall be paid by the comptroller, on the certificates of the adjutant-general, out of any money in the treasury not otherwise appropriated.

Governor to appoint others in case of death or resignation.

§ 4. In case the said three commissioners, other than the adjutant-general, inspector-general and chief of ordnance, or any of them, shall die, resign from said commission, or remove from the State before the completion of the duties assigned to them, it shall be the duty of the governor forthwith to appoint others, or another, in their or his stead, who shall have the like powers as aforesaid, and be entitled to a compensation which shall be proportionately equal to that which is allowed by this act to the said commissioners; but the compensation of the original appointee, and of his successor or successors, shall not exceed in all the sum of five hundred dollars.

§ 5. This act shall take effect immediately.

CHAP. 547.

AN ACT to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the military code.'"

PASSED June 4, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 8, ch. 80, Laws of 1870, amended.

SECTION 1. Section eight of chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the State of New York, and for the public defense, and entitled 'the military code,'" is hereby amended so as to read as follows:

National guard, of whom to consist.

§ 8. The national guard of the State of New York shall consist of the present uniformed militia, and such volunteers as shall enroll themselves or enlist therein, and shall be organized in such number of divisions, brigades, regiments, battalions, troops, batteries and companies, and of such arms of the service as the commander-in-chief may determine and designate. The present divisions, brigades, regiments, battalions, troops, batteries and companies shall remain as now established, subject, however, to the power of the commander-in-chief to alter, divide, consolidate, transfer or disband the same; provided that the aggregate force of the same, in time of peace, fully armed, uniformed and equipped, shall not exceed the number of twenty thousand non-commissioned officers, musicians (exclusive of musicians organized into bands not enlisted) and privates; but the commander-in-chief shall have power, in case of war, insurrection, or invasion, or imminent danger thereof, to increase the force beyond the said twenty thousand, and organize the same as the exigencies of the service may require.

Divisions, brigades, etc.

§ 2. Section thirteen of said act is hereby amended so as to read as follows:

Volunteers may be enlisted.

§ 13. Volunteers may be received and enlisted in any troop, battery or company, and they shall be enlisted in the first instance for a term of five years, and, on the expiration of that term, they may be re-enlisted, either immediately or at any time thereafter, for terms of one or more years, at the option of the volunteer; and the same privileges of re-enlistment shall be accorded to all persons who have been honorably discharged from the army or navy or volunteer force of the United States; but no person above the age of forty-five years shall be enlisted, and no person under the age of twenty-one years shall be enlisted without the consent of his parent or guardian; and no non-commissioned officer, musician or private shall leave one troop, battery or company to join another, unless as hereinafter provided; provided, however, that non-commissioned officers, musicians and privates who have changed their residence from one division district to another division district may enlist in a troop, battery or company of the division district into which they have removed, and in that case they shall be dropped from the rolls of the troop, battery or company in which they were serving, and a certificate of their time of service therein shall be furnished to them; and, in case of re-enlistment, the whole time of

service in both troops, batteries or companies shall be computed and allowed in determining the question of discharge after five years' service. On their own application enlisted men (non-commissioned officers being first reduced to the ranks) may be transferred from one company to another in the same regiment or battalion by the commanding officer of the regiment or battalion, and from one troop, battery or separate company to another, or to any other organization of any regiment or battalion by the commanding officer of the division or brigade to which such troop, battery or separate company is attached. If the transfer be from one regiment or battalion to another in the same brigade, it must be ordered by the commanding officer of the brigade. If from brigade to brigade, in the same division, by the commanding officer of the division. If from division to division by the commander-in-chief. In cities or villages, where there are no regimental or battalion organizations of infantry, separate companies of that arm of the service may be organized, to be attached to brigades or divisions; and all the provisions of the military code relating to separate troops or batteries shall apply to such separate companies of infantry, except as herein otherwise provided.

Transfers.

§ 3. Section sixty-seven of said act is hereby amended so as to read as follows:

§ 67. Sergeant-majors, quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, hospital stewards, drum-majors, band leaders, sergeant standard bearers and general guides shall be appointed by the commanding officer of the regiment or battalion to which they belong, by warrant under the hand of such commanding officer, and shall hold their offices during his pleasure; provided, however, that before such appointment they shall have been duly enlisted in the national guard of this State, and each person so appointed shall be a member of some company of the regiment or battalion at the time of his appointment, excepting in the case of hospital stewards, drum-majors and band leaders who may be civilians, but who, during the term of their appointment, shall be subject to the laws governing the national guard.

Officers to be appointed by commandants of regiments, etc.

§ 4. Section sixty-eight of said act is hereby amended so as to read as follows:

§ 68. Except as otherwise provided in this act, captains, lieutenants and non-commissioned officers of troops, batteries and companies shall be chosen by the written or printed votes of the members of troops, batteries or companies, respectively; provided that quartermaster-sergeants of such troops, batteries and companies shall, subject to the provisions of section ninety-two of this act, be appointed by the commandants of such troops, batteries and companies, respectively. Field officers of regiments or battalions by the written or printed votes of the field officers and the commissioned troop, battery or company officers of their respective regiments or battalions, and brigadier-generals by the written or printed votes of the field officers and the commandants of the separate troops, batteries or companies of infantry of their respective brigades.

Officers to be elected by members of companies, etc.

By field officers, etc.

§ 5. Section ninety-two of said act is hereby amended so as to read as follows:

§ 92. Such election for non-commissioned officers shall be directed and conducted by the commanding officer of such troop, battery or company for the time being, who shall certify the names of the persons elected, and also of those appointed by him, to the commanding officer of the regiment or battalion to which the troop, battery or

Elections for non-commissioned officers.

company belongs; or in the case of a separate troop, battery or company, to the commandant of the division or brigade to which such separate troop, battery or company is attached, and such regimental or battalion commanding officer, or division or brigade commandant, as the case may be, shall decide upon the legality of the election, and shall issue warrants to the persons duly elected or appointed. But before issuing such warrants the commandant of the regiment or battalion to which the troop, battery or company belongs, or in the case of a separate troop, battery or company, the commandant of the brigade or division to which it is attached, shall require the persons so elected or appointed to be examined with respect to their qualifications and fitness to fill the offices to which they have been so elected or appointed, by a board of examiners consisting of three commissioned officers to be appointed by the commandant of the regiment, battalion, brigade or division, as the case may be, respectively; and if, on the report of such board of examiners, the commandant of the regiment, battalion, brigade or division, as the case may be, shall adjudge the person so elected or appointed unqualified for the office another person shall, within ten days after due notice of such adverse decision, be elected or appointed; and in default of such election the vacancy shall be filled by the commandant of the regiment, battalion, brigade or division, as the case may be.

Examination of persons elected before warrants of appointment issue.

§ 6. Section one hundred and six of said act is hereby amended so as to read as follows:

Musicians.

§ 106. The commanding officer of each regiment or battalion may, in his discretion, enlist a band of musicians, not exceeding twenty-five in number, and by warrant, under his hand, may appoint a leader of such band with the rank of sergeant.

§ 7. Section one hundred and seven of said act is hereby amended so as to read as follows:

To be under command of commanding officer.

§ 107. Such musicians shall be subject to the orders of such leader, and be under the command of the commanding officer of the regiment or battalion; and the whole or any part of said band may be required by such commanding officer to appear at any meeting of the officers for military purposes, or at any parade of such regiment or battalion.

§ 8. Section one hundred and twenty-one of said act is hereby amended so as to read as follows:

Expense of armories to be a county charge.

§ 121. The expense of erecting or renting such armories and for providing the necessary camp stools, apparatus and fixtures for heating and lighting, and the fuel and gas or oil for the same, and water-closets in such building, and for properly preserving from injury the arms, equipments, uniforms and records stored therein, by the construction of suitable lockers, closets, gun-racks and cases for uniforms, equipments, arms and records, and for the maintenance thereof in good and safe repair, shall be a portion of the county charges of such county, and shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid. But no moneys shall be appropriated, or expense incurred for furnishing or decorating any building erected or rented under the provisions of this act. And no moneys shall be appropriated or expense incurred, to be paid out of moneys thus levied and collected, except for the erecting or renting of such armories, unless the necessity of such expenditure shall have been examined into by the auditing boards of the commands, and certified to as necessary by the respective presidents thereof, who shall report to the adjutant-general annually in December, on or before the fifteenth day thereof, a recapitulation of the expenses thus incurred,

§ 9. Section one hundred and thirty of said act is hereby amended so as to read as follows:

§ 130. An annual muster of all general and staff officers, and of all organizations of the national guard, shall be made at such time and place between the first day of May and the first day of November as the commander-in-chief shall order and direct. No person shall be mustered at the annual muster, or be permitted in the ranks on any parade or drill required by this act, who does not appear uniformed, armed and equipped suitably to the troop, battery or company to which he belongs, and according to the provisions of this act; and all members of the national guard who shall appear without such suitable uniform, arms and equipments at any parade or drill required by this act shall be returned as absent and fined accordingly. Such muster shall be made by the inspector-general, assistant inspector-general, or an acting assistant inspector-general, of each commissioned and non-commissioned officer, musician (exclusive of musicians composing bands not enlisted), and private present and absent, and three muster-rolls shall be officially certified to by such inspector, in accordance with such regulations and restrictions as may be prescribed by the commander-in-chief. And the said inspector shall, within fifteen days after the day of muster, file one of the said muster-rolls in the office of the adjutant-general, and one with the commandant of the troop, battery or company, and retain one himself.

Annual muster.

By whom to be made.

§ 10. Section one hundred and thirty-four of said act is hereby amended so as to read as follows:

§ 134. No parade or rendezvous of the national guard shall be ordered on any day during which a general or special election shall be held, nor within five days previous to such election, except in case of riot, invasion or insurrection, or of imminent danger thereof; and if any officer shall order any such parade or rendezvous, he shall forfeit and pay to the people of this State the sum of five hundred dollars, provided that a court-martial or court of inquiry shall not be deemed a rendezvous of the national guard.

Not to parade on day of election nor within five days thereof, except in case of insurrection, etc.

§ 11. Section one hundred and forty-nine of said act is hereby amended so as to read as follows:

§ 149. It shall be the duty of the commandants of troops, batteries or companies, twenty days prior to the annual muster and inspection, to furnish the inspector-general with three copies of a muster-roll, which will show the names and rank or grade of all the officers, non-commissioned officers, musicians and privates belonging to such troop, battery or company, upon such form as may be prescribed by the commander-in-chief.

Muster rolls.

§ 12. Section one hundred and fifty of said act is hereby amended so as to read as follows:

§ 150. It shall be the duty of each commandant of a regiment or battalion, twenty days prior to the annual muster, to furnish the inspector-general with three copies of a muster-roll and inspection return of the field and staff officers, and non-commissioned staff officers and enlisted bands of said regiment or battalion, and each general officer shall furnish like rolls of his staff officers within the said time; and the inspector shall, within fifteen days after the day of muster, file one of the muster-rolls in the office of the adjutant-general, and one with the officer who furnished the rolls.

Id. of field and staff, etc.

§ 13. Section one hundred and sixty-six of said act is hereby amended so as to read as follows:

§ 166. Battery, troop or company commanders, respectively, may

Clerk for

company, troop or battery.

appoint from the enlisted men of their commands, for the discharge of the usual clerical duty incident thereto, a suitable person as clerk, to whom there shall be paid annually out of the respective regimental, battalion, battery, troop or company funds provided by section one hundred and seventy-eight of this act, the sum of fifty dollars, to be paid in the same manner as other accounts are paid from such funds.

§ 14. Section one hundred and seventy-eight, of said act, is hereby amended so as to read as follows:

Comptroller annually to draw warrant on treasurer. Amounts.

§ 178. The comptroller shall annually draw his warrant upon the treasurer in favor of the county treasurer of each county for the sum of one thousand five hundred dollars for each regiment, and the sum of one thousand dollars for each battalion, and the sum of one thousand dollars for each separate mounted battery, and the sum of two hundred dollars for each separate battery not mounted, and the sum of six hundred dollars for each separate troop of cavalry, and the sum of five hundred dollars for each separate company of infantry, certified by the adjutant-general to be organized according to the provisions of this act, within the county, or in case any regiment, battalion or separate troop, battery or company of infantry is organized in two or more counties, then the comptroller shall draw his warrant in favor of such county treasurer as the adjutant-general may in his certificate direct; which sums, and also those paid in like manner by the State, in lieu of furnishing uniforms and equipments, as provided in section one hundred and thirteen of this act, together with the fines collected from delinquent officers, non-commissioned officers, musicians and privates, shall constitute the military fund of such regiment, battalion or separate troop, battery or company of infantry.

§ 15. Section one hundred and eighty-three of said act is hereby amended so as to read as follows:

Rules, etc., for preservation of company funds.

§ 183. The commander-in-chief is empowered to prescribe such rules and regulations as he may deem necessary to secure a proper disposition of, and accountability for, the regimental, battalion and separate troop, battery or company funds. And no part of such funds shall be expended for any purpose whatever, unless under the express sanction and approval of the presidents of the auditing boards respectively, and so certified upon the abstract of accounts thereof. And on the approval of the commander-in-chief, accounts for clerk hire and other necessary expenses at head-quarters of divisions and brigades, when audited by the adjutant-general, shall be paid from the general fund of the State appropriated for military purposes; provided, however, that the amount of such accounts in any one year shall not exceed the sum of one thousand dollars for a division, and five hundred dollars for a brigade.

§ 16. Section one hundred and eighty-four of said act is hereby amended so as to read as follows:

Courts of inquiry.

§ 184. Courts of inquiry, to consist of one officer of at least equal grade with the officer, or with the senior officer, if there be more than one, in relation to whom the court is constituted, may be ordered by the commander-in-chief, or by the commanding officer of a division, in relation to those officers for whose trial they are authorized to appoint courts-martial for the purpose of investigating the conduct of any officer or officers, either by his or their own solicitation or on a complaint or charge of improper conduct degrading to the character of an officer, or for the purpose of settling rank or for investigating any facts made the subject of military complaint.

§ 17. Section one hundred and ninety-six of said act is hereby amended so as to read as follows:

§ 196. For the trial of delinquent non-commissioned officers, musicians and privates the commandant of each regiment or battalion may at any time appoint a regimental or battalion court-martial in his command, to consist of an officer in his command whose grade is not below that of captain; and in the case of a separate regiment, battalion, troop, battery or company attached to a division or brigade the court shall be appointed by the commandant of the division or brigade to which such separate regiment, battalion, troop, battery or company is attached. For offenses on charges and specifications the commandant of each brigade may at any time appoint a court-martial for the trial of non-commissioned officers, musicians and privates belonging to any regiment or battalion in his brigade, or to any separate troop, battery or company attached to the same, to consist of three officers in his brigade not below the grade of captain; in the case of a separate troop, battery or company attached to a division, the court shall be appointed by the commandant of the division to which such separate troop, battery or company is attached. No person shall be brought to trial on charges and specifications unless the same shall have been approved by the officer ordering the court, and a copy thereof certified by said officer shall have been served upon the party charged at least five days before the trial of the party so charged, and the court may adjourn to permit of such service. Regimental and battalion courts-martial.

§ 18. Section one hundred and ninety-seven of said act is hereby amended so as to read as follows:

§ 197. The officers appointing said courts shall fix the time and place of convening the same, and the appointment of said courts shall be published in orders at least ten days previous to the convening thereof. When convened the court may adjourn, from time to time, as shall become necessary for the transaction of business; but the whole session of a court composed of one officer, from the day on which it shall convene until its dissolution, shall not exceed three weeks; and in case any vacancy shall happen in the court, or a new court shall be required, the officer ordering the court, or his successor in command, may fill such vacancy or order a new court. Time and place of holding courts, etc.

§ 19. Section one hundred and ninety-eight of said act is hereby amended so as to read as follows:

§ 198. The officers constituting such courts shall, before they enter on their duties as such, take the following oath: "I, , do swear (or affirm) that I will well and truly try and determine, according to evidence, all matters between the people of the State of New York and any person or persons who shall come before the court to which I have been appointed;" and such oath shall be taken by him before a judge of some court of record in this State, a justice of the peace of the county in which he resides, a field officer or the commandant of the division or brigade to which he belongs, and it shall be the duty of such persons to administer the oath without fee or reward. Oath to be taken by members of courts.

§ 20. Section one hundred and ninety-nine of said act is hereby amended so as to read as follows:

§ 199. The president of each of such courts shall direct a non-commissioned officer, or other fit person or persons, to be by him designated, to summon all delinquents and parties accused to appear before the court, at a time and place to be by him appointed, which service shall be personal, or by leaving such summons for such delinquents Summons to delinquents.

and parties accused, as provided in section one hundred and forty-two of this act.

§ 21. Section two hundred and one of said act is hereby amended so as to read as follows:

Jurisdiction of courts.

§ 201. The court, consisting of one officer, when organized shall have the trial of all delinquencies and deficiencies that occur in the regiment, battalion, separate troop, battery or company for which it shall have been appointed, and the court, composed of three officers, when organized, shall have the trial of all offenses other than delinquencies and deficiencies, that occur in any regiment or battalion in the brigade for which it shall have been appointed, and, also, of all that occur in the separate troops, batteries or companies attached to the same brigade; and in case the court is ordered by the division commander, then of all offenses other than delinquencies and deficiencies that occur in the separate troops, batteries or companies attached to the division, and the said courts shall have power to impose and direct to be levied all the fines or penalties to which non-commissioned officers, musicians or privates are declared to be subject by the provisions of this act. But in case written charges shall have been preferred against any non-commissioned officer, musician or private in the regiment or battalion, separate troops or batteries or companies, for the trial of offenders, in which the court shall have been ordered, said court shall not have jurisdiction thereof unless the same shall have been approved by the officer ordering the court, and a copy of such charges, certified by said officer, shall have been served upon the party charged, at least five days before the trial of the party so charged, and the court may adjourn to permit of such service.

§ 22. Section two hundred and three of said act is hereby amended so as to read as follows:

Compensation of members of courts.

§ 203. No compensation whatever shall be allowed to the officers constituting said courts for the trial of delinquencies.

1. There shall be allowed and paid out of the military fund of the regiment, battalion, separate troop, battery or company for which the court shall have been ordered, on the certificate of the president, to the president and members of such courts, composed of three officers, a sum equal to one day's pay for field duty for each day they may be actually employed in holding the court or engaged in the business thereof, or in traveling to and from the court, in accordance with the provisions of section one hundred and sixty-five of this act, and their actual traveling expenses; provided that any and all allowances shall not exceed for each the field pay respectively for the period of three weeks, and to the non-commissioned officer or other person who shall have summoned offenders to appear before the court, two dollars for each day he may have been necessarily so employed, and the same sum for each day of his attendance on the court, the same to be paid in like manner with other military accounts; provided, however, that in the case of courts composed of one officer, for the trial of delinquencies and deficiencies, the same shall be paid out of the military fund of the regiment, battalion, separate troop, battery or company for which the court shall have been ordered.

Fees for collection of fines.

2. Each officer, to whom a warrant for the collection of fines may be directed, shall be entitled to the same fees, and be subject to the same penalties for any neglect, as are allowed and provided for executions issued out of justices' courts.

Fees of

3. For all other services and commitments under this act, the sheriff,

jailer and constables executing the same shall be entitled to the like fees as for similar services in civil cases. sheriff, etc.

§ 23. Section two hundred and four of said act is hereby amended so as to read as follows:

§ 204. All fines and penalties imposed by any court-martial convened in pursuance of the preceding section shall be paid, by the officer collecting the same, into the treasury of the county within which the regiment, battalion, separate troop, battery or company is located, within thirty days after the collection thereof, and shall belong to the military fund of the regiment, battalion, separate troop, battery or company of which the persons paying the fines or penalties are members; and the treasurer of said county shall thereupon report the amount thereof, designating the organization to which it belongs, to the adjutant-general of the State. Fines to be paid into county treasury.

§ 24. Section two hundred and seven of said act is hereby amended so as to read as follows:

§ 207. Every commissioned officer and every non-commissioned officer, musician and private shall, on due conviction, be subject, for the following offenses, to the fines and penalties thereto annexed. Fines and penalties.

1. Every commissioned officer, for non-attendance at any drill, parade or encampment, and every such officer, non-commissioned officer, musician or private, neglecting or refusing to obey the orders of his superior officer on any day of drill, parade or encampment, or to perform such military duty or exercise as may be required, or departing from his colors, post or guard, or leaving his place or ranks without permission, or making a false entry upon a muster-roll, or knowingly muster as a soldier a substitute or a person who is not a regularly enlisted soldier in and a member of his command, or making a false entry upon a score blank or return of rifle practice, or knowingly permitting a substitute to shoot in the name of a member of his command, or refusing or neglecting to grant the discharge provided for in section two hundred and fifty-four of this act, a fine of not more than one hundred, nor less than five dollars.

2. Every non-commissioned officer, musician and private, for non-appearance, when duly warned or summoned at a troop, battery or company parade, a fine of two dollars for each day; and in case of a troop parading mounted, a fine of six dollars for each day; at a regimental or battalion parade, drill or encampment, not less than one nor more than six dollars for each day; and at a place of rendezvous when called into actual service, in case of war, insurrection or invasion, or imminent danger thereof, a sum not exceeding twelve months' pay, nor less than one month's pay; and for disobedience of orders, or any conduct to the prejudice of good order and military discipline, whether by language or act, committed in uniform, or committed while going to or returning from, or while present at any lawful assembling of the regiment, battalion, separate company, troop, battery or band to which such non-commissioned officer, musician or private belongs, whether he be in uniform or not at the time of the commission of the offense, or for conduct on or off duty which shall tend to create insubordination amongst the members of the national guard, a fine not exceeding fifty dollars; and, also, in the discretion of the court, the offender shall be liable to expulsion from the command to which he belongs. Id.

3. Every commissioned officer or non-commissioned officer or enlisted man for neglecting or refusing to obey any order or warrant to him lawfully given or directed, or to make a proper return thereof, Id.

if such return be necessary, or making a false return, or neglecting or refusing, when required, to summon a delinquent before a court-martial, or duly to return such summons, a fine of not more than one hundred nor less than five dollars.

§ 25. Section two hundred and fourteen of said act is hereby amended so as to read as follows:

Warrant for the collection of fines.

§ 214. For the purpose of collecting any fines or penalties imposed by any court-martial authorized by this act, the president of the court shall, within fifteen days after the expiration of the time in which an appeal is allowed as provided in section two hundred and two of this act (fines or penalties having been approved) make a list of all the persons fined, describing them distinctly, and showing the sums imposed as fines or penalties on each person, and shall draw his warrant, under his official signature, directed to any marshal of the court, or to the sheriff or constable of any city or county (as the case may be), thereby commanding him to levy such fine or penalties, together with the costs, on the goods and chattels of such delinquents; and, in default of such sufficient goods and chattels to satisfy the same, then to take the body of such delinquent and convey him to the common jail of such city or county, whose jailer shall keep the said delinquent closely confined, without bail or mainprize, for two days, for any fine or penalty not exceeding two dollars, and two additional days for every dollar above that sum, unless the fine or penalty, together with the costs and the jailer's fees, be sooner paid; but no such imprisonment shall extend beyond the period of twenty days; provided, however, that the prisoner may be liberated at any time by order of the commandant of the brigade to which he belongs; and in case of a prisoner belonging to a separate troop, battery or company attached to a division or brigade, then by order of the commandant of the division or brigade. No property shall be exempt from the payment of such fines or penalties.

Imprisonment for failure to pay.

§ 26. Section two hundred and thirty-five of said act is hereby amended so as to read as follows:

Return of delinquent commissioned officers.

§ 235. The chiefs of each division and brigade staff, and the adjutants of regiments or battalions, and the commandants of separate troops, batteries or companies shall, on or before the fifteenth day of January in each year, return to the commandants of such division and brigade, respectively, the names of all commissioned officers absent from any parade, encampment, drill or meeting for instruction during the preceding year. Within ten days after the receipt of such returns, the respective commandants of divisions or brigades, as the case may be, shall order courts-martial for the trial of such officers for such delinquencies, which courts-martial shall consist of three officers, and be ordered, if for the trial of officers above the rank of captain, by the commandant of the division, and for the trial of all other officers, by the commandant of the brigade; provided, however, that the services of a judge-advocate shall not be required at any court-martial appointed under the provisions of this section; and also further provided, that in all cases no member of the court shall be of less grade than the delinquent, and that for the trial of officers of any regiment, or separate troop, battery or company attached to a division, the court shall be ordered by the commandant of the division, and for the trial of officers of any separate troop, battery or company attached to a brigade, the court shall be ordered by the commandant of the brigade. It shall not be necessary to cause the arrest of such absentee, nor to serve any charges, unless in the discretion of the officer ordering the court, it may be deemed

Courts-martial for trial of.

Proviso as to grade of members of the court.

proper; but the delinquent may be fined, pursuant to the provisions of this act, provided he shall have appeared before the court without objection, or notice of the return and of the time appointed for holding the court-martial shall have been delivered to him, or left at his dwelling-house, store, counting-house, or usual place of business, at least ten days before the assembling of said court. The proceedings and sentences of such court-martial, with the order of the officer ordering the court, approving or disapproving the same, shall be transmitted to the adjutant-general without delay.

Proceedings to be transmitted to adjutant-general.

§ 27. Section two hundred and fifty-three of said act is hereby amended so as to read as follows:

§ 253. Every non-commissioned officer, musician and private of the national guard originally enlisting, shall be held to duty therein for the term of five years; and in case of re-enlisting, for the term for which he re-enlists, unless disability after enlistment shall incapacitate him to perform such duty, and he shall be regularly discharged in consequence thereof by the commandant of his regiment, battalion, separate troop, battery or company; provided, however, that every such non-commissioned officer, musician and private shall continue* held to duty, and shall retain his rank and be eligible to promotion, after the expiration of his term of enlistment or re-enlistment, so long as he or the commandant of his troop, battery or company omits to apply for his discharge, as provided in the next succeeding section; and on such application being made, his discharge shall not be granted until the expiration of three months from the date of the application, except when the application is made by the commandant of his troop, battery or company, in which case the discharge may be granted immediately; and also, further provided, that every non-commissioned officer, musician and private who enlists prior to the first day of May, eighteen hundred and seventy-five, shall serve the whole length of the term for which he enlisted. Every commissioned officer, and every non-commissioned officer, musician and private of the national guard shall be exempt from jury duty during the time he shall perform military service; and every such person who shall have so served five or more years, and been honorably discharged, shall forever after be exempt from jury duty. Except as herein otherwise provided, no non-commissioned officer, musician or private of the national guard shall be discharged from service, except for physical disability or expiration of term of enlistment. Discharges for physical disability shall be granted only upon the certificate of the regimental or battalion surgeon, and in the case of a separate troop, battery or company, of the surgeon of the division or brigade to which such separate troop, battery or company is attached; always provided, however, that the commandant of each division may, for sufficient reasons, and in his discretion, discharge enlisted men in his division, at any time, upon the recommendation of the commandant of the troop, battery or company, with the approval of the commandant of the regiment or battalion and of the brigade to which they belong; and in the case of a separate troop, battery or company attached to a brigade, upon the recommendation of the commandant of such separate troop, battery or company, with the approval of the commandant of the brigade; and in the case of a regiment, separate troop, battery or company attached to a division, upon the recommendation of the commandant of such regiment, separate troop, battery or company; but no enlisted man shall be discharged from service unless he produces the certificate of his immediate commanding officer that he has

Term of service.

Exempt from jury duty.

Discharges only to be granted for physical disability.

Proviso.

* So in the original.

turned over or satisfactorily accounted for all property issued to him.

Returns of discharges, etc., to be made to adjutant-general.

Commanding officers of divisions, brigades, regiments and battalions, and of separate troops, batteries or companies, shall make returns to the adjutant-general on the last days of March, June, September and December, in each year, of all changes in their commands during the previous three months, giving the names and grades of the persons discharged and the cause thereof, and also of those gained by enlistment.

§ 28. Section two hundred and sixty-three of said act is hereby amended so as to read as follows:

For violations of by-laws, etc., members may be expelled.

§ 263. For violations of the by-laws, rules and regulations provided in the last preceding section, the non-commissioned officer, musician or private offending may be expelled from the troop, battery or company to which he belongs by the vote of a majority of all its members; and upon such action of the troop, battery or company being confirmed in orders by the commandant of the regiment or battalion; and in case of a separate troop, battery or company, by the commandant of the brigade or division to which such separate troop, battery or company is attached, the name of such person shall be stricken from the roll of such troop, battery or company, his certificate of membership shall be surrendered and canceled, and he shall cease to be a member of such troop, battery or company; and his time of service in said troop, battery or company shall not be allowed under the provisions of this act; or whenever a member of any troop, battery or company shall have moved beyond the bounds of the State, or having been absent without leave and having been returned to court-martial and fined by sentence thereof, and such sentence cannot be enforced for reason of inability to find such member, and such sentence having been promulgated at least three months, the commandant of the troop, battery or company shall report the names of such members and the causes therefor to the commandant of the regiment or battalion; or in case of separate troop, battery or company, to the commandant of the brigade or division to which it is attached. Upon the return of such report bearing the approval of the officer to whom it was made, the commandant of the troop, battery or company is authorized to drop such names from his company roll. Members so dropped may be taken up by the commandant of the troop, battery or company, by order of the commandant of the division, brigade, regiment or battalion to which it is attached, upon evidence that such members have resumed their residence in the State, or have voluntarily returned to duty and paid all fines and penalties due, or have been arrested and the sentence of court-martial enforced, and in such cases their names shall be again entered upon the rolls.

When members may be dropped from roll.

§ 29. This act shall take effect immediately.

CHAP. 548.

AN ACT making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year, commencing on the first day of October, eighteen hundred and eighty, and to provide for a contingent deficiency in the revenues of the canals for the calendar year eighteen hundred and eighty.

PASSED June 7, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of the revenues of the State canals for the fiscal year commencing on the first day of October, one thousand eight hundred and eighty, for paying the expenses of the collection of tolls, the superintendence and ordinary repairs of the canals, the salaries, traveling expenses, clerk hire and office expenses of the superintendent and assistant superintendents of public works, the State engineer and surveyor, the canal appraisers and the incidental charges and expenses of their office, the salary of the auditor of the canal department, the clerk hire therein, and the incidental charges and expenses thereof, the sum of nine hundred and forty-one thousand two hundred dollars, or so much thereof as may be necessary to be expended during the fiscal year, to be distributed, applied, apportioned and disposed of as follows: For the salaries, traveling expenses, clerk hire and office expenses of the superintendent and assistant superintendents of public works, thirty thousand dollars, or so much thereof as may be necessary; for the traveling expenses of the State engineer and surveyor, two hundred dollars; for the salaries of the section superintendents or other officers charged with the repairs of the canals, twenty-six thousand dollars, or so much thereof as may be necessary; for the salaries and traveling expenses of the canal appraisers, and for the clerk hire and incidental expenses of their office, twenty-five thousand dollars, or so much thereof as may be necessary; for the salary of the auditor of the canal department, five thousand dollars, and for the deputy auditor and clerk hire in said department, fifteen thousand dollars; for the salaries and compensation of the engineers employed on the ordinary repairs of the canals, including the incidental expenses of such engineers, thirty thousand dollars, or so much thereof as may be necessary; for the salaries and compensation of the collectors of canal tolls and their clerks, the inspectors and measurers of lumber and of boats and their cargoes, the weigh-masters and assistant weigh-masters, including the incidental expenses of said collectors and weigh-masters, sixty-five thousand dollars, or so much thereof as may be necessary; for the payment of such incidental and miscellanous charges and expenses as are authorized by existing statutes to be paid out of the canal revenues and charged to the account of the Erie and Champlain canal fund, and the canal debt sinking fund under article seven of the constitution, forty thousand dollars, or so much thereof as may be necessary; for the payment of the expenses of lock tending and the ordinary repairs of the canals of the State, the sum of seven hundred and five thousand dollars, or so much thereof as may be necessary.

Appropriation for salaries, etc.

Id.

Id.

To make good failure in revenues.

§ 2. The sum of three hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the unexpended moneys in the treasury standing to the credit of the "fund for extraordinary repairs," to make good any failure in the revenues of the canals, for the calendar year of eighteen hundred and eighty, to meet opportunely or to pay in full the appropriations for the ordinary repairs and expenses of the canals. The said sum of three hundred thousand dollars hereby temporarily and contingently appropriated shall be replaced in the original fund from the revenues of the canals for the said year, or whenever they shall be sufficient to admit of a partial or complete restoration.

Expense of lock tending, etc.

§ 3. In addition to the sum of six hundred and thirty-three thousand nine hundred and one dollars and thirty-five cents appropriated by act chapter two hundred and sixty-nine of the laws of eighteen hundred and seventy-nine, for the payment of the expenses of lock tending and the ordinary repairs of the canals for the fiscal year ending September thirtieth, eighteen hundred and eighty, the further sum of forty-six thousand one hundred and fifty-one dollars and forty-six cents is hereby appropriated for the ordinary repairs from the revenues of said fiscal year; and any portion of the sum of forty thousand dollars appropriated in said act for the payment of incidental and miscellaneous charges which may not be needed therefor may also be applied and expended, if necessary, in the ordinary repairs of the canals for the current fiscal year.

For ordinary repairs.

CHAP. 549.

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

PASSED June 7, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payments to be made by treasurer on warrant of comptroller.

SECTION 1. The treasurer shall pay on the warrant of the comptroller, from the several funds specified, to the persons and for the objects indicated in this act, the amounts named, or such parts of those amounts as shall be sufficient to accomplish in full the purposes designated by the appropriations; but no warrants shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same.

Statement of items, etc., to be presented, if required.

The persons demanding payment shall present to him, if required, a detailed statement in items, verified by affidavit; and if such account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when, where and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and if the demand be for traveling expenses, the account must also specify the distance traveled, the places of starting and destination, the duty or business, and the date and items of expenditure.

Accounts for trans-

On all accounts for transportation, furniture, blank and other books furnished for the use of offices, binding, blanks, printing, stationery

and postage, a bill, duly certified, must also be furnished; but whenever any appropriation shall have been made for the same purpose, or the amount shall have been provided otherwise, the sum herein directed to be paid shall not be considered as an addition to such other appropriation, unless it shall be expressly so declared in this act. portation, etc.

FROM THE GENERAL FUND.

For the clergymen officiating as chaplains of the assembly during the session of eighteen hundred and eighty, for compensation, to be paid to the clerk of the assembly for distribution by him to those clergymen, at the rate of three dollars per day for every day of attendance, the sum of four hundred dollars. Clergymen.

For the Reverend Ebenezer Halley, for compensation for services as chaplain of the senate during the session of eighteen hundred and eighty, the sum of five hundred dollars. Rev. Dr. Halley.

For the officers and employees of the legislature of eighteen hundred and eighty, not exceeding three in number in each house, as may be designated by the presiding officers of the respective houses, to remain after the adjournment of the legislature to perform duty under the direction of the clerk of each house, respectively, for a period not exceeding ten days, to each one in such sum, not exceeding his legal per diem allowance, as the clerk of each house respectively shall certify and apportion, out of the sum hereby appropriated, the sum of three hundred and sixty dollars, or so much thereof as may be necessary. Officers and employees of legislature.

For the payment of the expenses for cartage of senate and assembly documents to and from the post-office in Albany, during the session of the legislature of eighteen hundred and eighty, to be paid to the parties who rendered the service, the sum of six hundred dollars, namely: three hundred dollars for carrying assembly documents and three hundred dollars for carrying senate documents. Expenses for cartage to and from post-office.

For payment of expenses in carrying the mail for the assembly from the sixth to the fourteenth day of January, eighteen hundred and eighty, eight days, until the mail carrier for the assembly was appointed, sixteen dollars, to be paid to Stephen Maher who rendered the service. Expenses of carrying the mail.

For the American District Telegraph Company, for rental of telephones for use of the legislature for one year from the tenth day of March, eighteen hundred and eighty, one hundred dollars. A. D. Telegraph Co.

For furniture and other articles necessary to complete the suitable furnishing of the executive residence, to be expended under the direction of the governor, four thousand dollars, or so much thereof as may be necessary. Furniture, etc., for executive mansion.

For Honorable Thomas Liddle, for compensation of counsel employed by him in the matter of the contested election for member of assembly, in eighteen hundred and eighty, for the fourth assembly district of the county of Albany, and for other expenses incurred by him therein, the sum of one thonsand three hundred and twenty dollars; and the further sum of six hundred and sixty dollars for that portion of his annual salary as member of assembly which was drawn while his seat was held by the Honorable Joseph Hynes. Thos. Liddle.

For Honorable Joseph Hynes, for compensation of counsel employed by him in the matter of the contested election for member of assembly in eighteen hundred and eighty, for the fourth assembly district of the county of Albany, and for other expense incurred by him therein, the sum of seven hundred and fifty dollars. Joseph Hynes.

Robert H. Strahan. For Honorable Robert H. Strahan, for compensation of counsel employed by him in the matter of the contested election for senator, in eighteen hundred and eighty, for the eighth senatorial district of this State, and for other expenses incurred by him therein, the sum of one thousand dollars.

James Stevens. For Honorable James Stevens, for compensation of counsel employed by him in the matter of the contested election for senator, in eighteen hundred and eighty, for the twenty-second senatorial district of this State, and for other expenses incurred by him therein, the sum of seven hundred and fifty dollars.

Criers and attendants of the court of appeals. For deficiency in appropriations for compensation of criers and attendants of the court of appeals to the close of the current fiscal year, two thousand dollars, or so much thereof as may be necessary.

Furniture, etc., for court of appeals. For deficiency in appropriations for furniture, books, binding, blanks, printing calendar and other necessary expenses of the office of the clerk of the court of appeals, five hundred dollars, or so much thereof as may be necessary.

Repairs etc., state hall. For deficiency in appropriations for repairs, cleaning, labor, gas and other necessary expenses of the State hall, five hundred dollars.

Agent of comptroller to examine auctioneers' accounts. For the actual and necessary traveling and incidental expenses of the agent of the comptroller to examine the accounts of auctioneers, three hundred dollars, or so much thereof as may be necessary.

Widows and heirs of John G. Wasson. For payment to the widow and heirs at law of the late John G. Wasson, of interest at six per centum to April first, eighteen hundred and eighty-one, on ten thousand dollars upon a certificate issued under chapter eight hundred and thirty of the laws of eighteen hundred and sixty-eight, six hundred dollars.

Presidential electors. For the electors of president and vice-president and for special messenger, for compensation and expenses, four thousand dollars, or so much thereof as may be necessary.

Comptroller for expenses of lands. For the comptroller, to pay the expenses of serving notices on occupants of lands to which the State acquired title from the tax sale of eighteen hundred and seventy-seven, of procuring and recording deeds for and perfecting title to said lands, and of ascertaining the value of lands to which the State has obtained title from tax sales, the sum of four thousand dollars, or so much thereof as may be necessary;

Safe for executive chamber. and for the purchase of a fire-proof safe for use in the executive chamber, six hundred dollars, to be expended under the direction of the governor.

Fifth justice of supreme court in second district. For the compensation and expenses of the fifth justice of the supreme court, in the second judicial district, from date of qualification to September thirtieth, eighteen hundred and eighty, four thousand one hundred and fifty dollars, or so much thereof as may be necessary.

Stenographers. For deficiency in appropriations for the stenographers in the second judicial district, appointed under chapter seven hundred and sixty-five of the laws of eighteen hundred and sixty-eight, three hundred and seventy-five dollars; said amount to be paid only from moneys which shall have been or shall be paid into the treasury for taxes levied for the purposes of said act and in pursuance thereof.

Supt. of insurance department. For deficiency in appropriations for the salary of the superintendent of the insurance department for the current fiscal year, two thousand dollars, to be refunded to the treasury of the State by the several insurance companies, associations, persons and agents to whom chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine applies.

Expenses For the comptroller, for the payment of certain expenses incurred

in the investigation against Bernard Reilly, late sheriff of the city and county of New York, and incurred under direction of the governor, for services of stenographer, printing testimony and proceedings, and for witnesses' fees and disbursements, fifteen hundred dollars, or so much thereof as may be necessary; and for fees of referee therein, one thousand seven hundred and fifty dollars. of investigation in matter of Bernard Reilly, sheriff.

The comptroller is hereby authorized and empowered to examine, or cause to be examined, the financial affairs and business administration of the Onondaga salt springs, under the management of the late superintendent, and for that purpose the comptroller, or the officer designated by him to conduct such examination, shall have power to administer oaths and to subpœna witnesses, and require the production of books and papers, and the sum of seven hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated to carry this provision into effect. Onondaga salt springs, investigation of affairs of.

For Blatchford, Seward, Griswold and Da Costa, as attorneys for James Eckerson, in the action hereinafter named, the sum of eight hundred and thirty-six dollars and thirty-six cents, being the amount in full payment of the principal of a judgment for costs against the people of this State, in favor of said James Eckerson, in an action commenced in the name of the people by attorney-general Barlow, against Mathew D. Bogart, James Eckerson and others, which judgment was docketed in the Albany county clerk's office on the thirty-first day of December, eighteen hundred and seventy-three; and the further sum of three hundred and sixty dollars and three cents for interest on said judgment. The comptroller shall pay the above sums to the above named attorneys, upon their producing to, and filing with the comptroller a satisfaction of said judgment, certified to be in due form by the attorney-general. Blatchford, Seward, Griswold and Da Costa.

For the attorney-general, to pay the fees of witnesses subpœnaed to attend before the State board of audit and the expense of procuring service of subpœnas upon them, five hundred dollars, or so much thereof as may be necessary. Attorney-general, for witness fees.

For the attorney-general, to pay for law books necessary to fill up certain uncompleted sets of State and United States law reports, in the library of the attorney-general, five hundred dollars, or so much thereof as may be necessary. Law books.

For deficiency in appropriations for furniture, books, binding, blanks, printing and other necessary expenses of the attorney-general's office, five hundred dollars. Furniture, etc.

For the office of secretary of State for engraving a new seal of the office, the sum of sixty-five dollars. The said new seal shall be a correct copy, in all particulars, of the present seal, and have the same device and motto, and when so engraved a certificate of that fact shall be made by the secretary of State and filed in his office, and thereafter such new seal shall be adopted and used instead of the present seal in attestation of documents as required by law. New seal for secretary of State.

For the office of State engineer and surveyor for salary of clerk to index and prepare for ready reference railroad maps required by law to be placed on file in his office, and to assist in preparing the annual railroad report, the sum of one thousand two hundred dollars; to be refunded to the treasury of the State by the several railroad companies of this State, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five; and for postage, blanks, stationery, express charges and State engineer and surveyor.

other miscellaneous expenses of his office, five hundred dollars, to be refunded as above provided.

Attorney-general to pay counsel fees.

For the attorney-general, the sum of two thousand dollars, to pay counsel fees and expenses incurred on the retainer of attorney-general Fairchild in the suit of the People against the Bank of North America, in the superior court in the city of New York; and the further sum of five hundred and fifteen dollars for services in divers suits, in eighteen hundred and seventy-eight and eighteen hundred and seventy-nine, on the retainer of attorney-general Fairchild.

Id.

For the attorney-general to pay counsel fees and necessary expenses incurred in the prosecution of indictments at the Rockland county oyer and terminer against the president and secretary of the Rockland Savings Bank for perjury, embezzlement and larceny, the sum of fourteen hundred dollars, or so much thereof as may be necessary; and the board of supervisors of the said county at its next annual session is hereby authorized and required to raise by tax the amount hereby appropriated, and to pay the same into the treasury of the State; and to pay counsel and attorneys' fees incurred in the prosecution of William E. Gray, indicted, tried and convicted in eighteen hundred and seventy-nine at the New York county oyer and terminer for the forgery of State bounty bonds, the sum of one thousand dollars.

Laws for towns.

For supplying the towns of Newark Valley and Barton, in the county of Tioga, the towns of Bombay and Bangor, in the county of Franklin, and the town of Wolcott, in the county of Wayne, with the Revised Statutes, Session Laws and other books usually supplied to towns, to replace those recently destroyed by fire, and for supplying such as have since been issued, to each town the sum of fifty dollars.

Commissioners to examine into management of jails, etc.

For the traveling and incidental expenses of the commissioners appointed by concurrent resolution of the legislature of eighteen hundred and seventy-nine to consider all questions in regard to the management of jails, penitentiaries and reformatories in this State, and to visit the same, adopted May twenty-second, eighteen hundred and seventy-nine, and for services of a clerk, acting also as a stenographer, and for the services of such commissioners at the rate of ten dollars each per day for each day of actual service, the sum of two thousand five hundred dollars.

Commissioners of State survey.

For the commissioners of the State survey, for expenses incurred by them in the examination of the region about Niagara Falls, and in the preparation of maps and plans thereof, and in reporting thereon, pursuant to concurrent resolution of the legislature, passed May nineteenth, eighteen hundred and seventy-nine, five thousand dollars, or so much thereof as may be necessary.

Adirondack survey.

For the Adirondack survey, for deficiency of appropriations for the first three-quarters of the calendar year of eighteen hundred and seventy-nine, the sum of seven thousand five hundred dollars.

Saratoga battle monument.

For aiding in the erection of a suitable monument at Schuylerville, Saratoga county, in commemoration of the decisive battle of the revolution, and the surrender of Burgoyne on the seventeenth of October, seventeen hundred and seventy-seven, ten thousand dollars, to be expended under the supervision of the Saratoga Monument Association, and to be paid to its treasurer upon vouchers to be approved by the comptroller.

Monument to commem-

For raising and reburnishing the monument erected to commemorate the capture of Major Andre, to be expended under the direction

of the "Monument Association of the Capture of Andre," on vouchers to be approved by the comptroller, one thousand dollars. orate capture of Major Andre.

For Johanna Yager, widow of J. B. Yager, as a gratuity, in full for all claims for damages sustained by her in the loss, by death, of her said husband, who was killed in eighteen hundred and seventy-nine, while employed on the new capitol, the sum of one thousand dollars. Johanna Yager.

For the payment of a canal certificate, with interest thereon, given by a late canal commissioner in charge of the middle division of the canals to C. L. McAlpine, in eighteen hundred and seventy-two, addressed to the auditor of the canal department, for extraordinary expenses incurred in the discharge of his duties as a resident engineer, the sum of eight hundred and ninety-two dollars. Certificate given to C. L. McAlpine.

For the State library, for continuation of salary, to the end of the present fiscal year, of an assistant employed in the library under chapter two hundred and seventy-two of the laws of eighteen hundred and seventy-nine, the sum of three hundred and sixty-five dollars and sixty cents. State library for assistant.

For the trustees of the State library, for printing and binding four hundred copies of a condensed catalogue of the State library, supplementary to a similar catalogue published in eighteen hundred and seventy-two, in accordance with provisions of chapter two hundred and fifty-five of the laws of eighteen hundred and forty-four, the sum of one thousand seven hundred and fifty dollars, or so much thereof as may be necessary. For printing, etc.

For the annual salary of an entomologist, to be appointed by the governor, in place of Asa Fitch, deceased, two thousand dollars. Entomologist.

For Charles H. Peck, for traveling and other expenses incurred by him in the discharge of his duties as State botanist, seventy-nine dollars and seventy-seven cents. Charles H. Peck.

For the State Normal and Training School at Brockport, for tin-roofing of old buildings, one thousand three hundred and fifty-two dollars; for furniture, two thousand dollars; for sewers, including right of way, one thousand five hundred dollars, and for changing, repairing and ventilating old buildings, three thousand dollars. Brockport Normal School.

For the department of public instruction, for messenger, for salary from April first to October first, eighteen hundred and eighty, one hundred and eighty dollars. Department of public instruction for messenger.

For the removal of crippled, blind, lunatic and other infirm alien paupers, to the countries whence they came, the sum of three thousand dollars, or so much thereof as may be necessary; the State board of charities is hereby authorized to cause the removal to the countries whence they came, of any crippled, blind, lunatic, or other infirm alien paupers sent to this country by cities or towns in the various governments of Europe, or by societies, relatives or friends, and who may be found in any poor-house, alms-house or other institutions of charity in this State. Removal of paupers, etc.

For completing triangulation, for purchase of stone monuments, station marks and signals, and for placing the same on Staten Island, under the direction of the board appointed by the president to determine pier and bulk-head lines of New York harbor along the Staten Island shore, the sum of seventeen hundred dollars. For triangulation, etc., Staten Island.

For completing triangulation, for purchase of stone monuments, station marks and signals, and for placing the same between the State dam at Troy and the city of Albany, and between the town of New Baltimore and the city of Hudson, under direction of the board ap- Id., between Troy and Albany, etc.

pointed by the president to co-operate with the authorities of the State of New York in examining and deciding upon exterior pier and bulkhead lines on Hudson river from the State dam at Troy to the city of Hudson, the sum of twelve hundred and eighty-five dollars.

Supt., etc., Onondaga Salt Springs.

For the salary of the superintendent, the compensation of clerks and other employees, and other necessary expenses of the Onondaga Salt Springs, for deficiency in appropriations occasioned by extraordinary expenditures of the late superintendent, the sum of thirty thousand five hundred and ninety-five dollars.

Commissioners of quarantine.

For the commissioners of quarantine for repairs of the hospital-ship Illinois and the steamboat N. K. Hopkins, ten thousand dollars; and for the care, maintenance and repair of the quarantine establishment, fifteen thousand dollars.

Commissioners of emigration.

For the commissioners of emigration, for the payment of their current expenses during the year commencing on the first day of May, eighteen hundred and eighty, one hundred and fifty thousand dollars; and the further sum of five hundred dollars for payment of the claim of A. G. Rice, of Buffalo, against the commissioners.

Channel of Cayuga inlet.

The sum of five thousand dollars appropriated in chapter one hundred and ninety-three of the laws of eighteen hundred and seventy-six, for removing the bars and dredging the channel of Cayuga inlet, and reappropriated in chapter two hundred and fifty-two of the laws of eighteen hundred and seventy-eight, for dyking and dredging the channel of Cayuga inlet and its tributaries, and for repairing the pier at said inlet, is hereby reappropriated, and the further sum of seven thousand five hundred dollars is hereby appropriated for making necessary repairs and improvements to the State pier at the head of Cayuga lake, and for dredging and widening the canal channel of Cayuga inlet.

Repairs of arsenals, etc.

For repairs of arsenals and armories belonging to the State, five thousand dollars, or so much thereof as may be necessary, to be paid on the audit of the adjutant-general, and the approval of the commander-in-chief.

Adjutant-general for clerks.

For the adjutant-general, for services of clerks engaged by him in copying muster-out rolls of volunteers, seven thousand two hundred dollars, or so much thereof as may be necessary, to be paid on the audit of the adjutant-general, and the approval of the commander-in-chief.

Aid to new companies.

For aiding new companies of infantry and artillery, and new companies in regiments and battalions of the national guard, in uniforming and equipping, twelve thousand dollars, or so much thereof as may be necessary, to be paid on the audit of the adjutant-general, and the approval of the commander-in-chief.

Reserve of ammunition.

For a reserve of ammunition to be kept on hand, to enable the commander-in-chief to supply the troops of the national guard when ordered into the service of the State in case of insurrection, invasion or breaches of the peace, pursuant to section two hundred and thirty-nine of the Military Code, nineteen thousand five hundred dollars, to be paid on the audit of the adjutant-general and the approval of the commander-in-chief.

Prosecuting war claims.

For the adjutant-general, for services and expenses in prosecuting the war claims of the State against the United States, under his direction, six thousand dollars, or so much thereof as may be necessary, to be paid on the audit of the adjutant-general and the approval of the commander-in-chief.

Replacing arms, etc.

For the adjutant-general, to enable him to replace the arms, uniforms

and equipments and other property belonging to the State, issued to the fourth separate company of infantry of the national guard at Jamestown, and destroyed by fire on the fifteenth of June and on the twenty-seventh of September, eighteen hundred and seventy-nine, four thousand two hundred and eighty-one dollars and fifty cents, or so much thereof as may be necessary, to be paid on the audit of the adjutant-general and the approval of the commander-in-chief.

Aid to uniform separate companies.

The balance remaining unexpended of the sum of four thousand dollars appropriated in chapter two hundred and seventy-two of the laws of eighteen hundred and seventy-nine, "for aiding to uniform separate companies, troops and batteries, in cases where their uniform funds, owing to large enlistments, after their annual musters, shall be inadequate for that purpose," being the sum of two thou sand dollars, is hereby reappropriated, together with the additional sum of one thousand dollars, which is hereby appropriated, for such purpose and to aid in uniforming companies of regiments, which are in the same exigency for like cause, and for the purchase of such equipments for troops as may be ordered by the adjutant-general, to be paid on his audit and the approval of the commander-in-chief.

State armory at Watertown.

For repairing the damage to the State armory at Watertown, caused by fire in February, eighteen hundred and eighty, the sum of two thousand six hundred dollars, or so much thereof as may be necessary, to be expended under the direction of the adjutant-general, the inspector-general, and chief of ordnance of this State.

Sing Sing prison.

For Sing Sing prison, for rebuilding shops destroyed by fire, eight thousand five hundred dollars.

Clinton prison.

For completing the enlargement of Clinton prison, pursuant to chapter three hundred and forty-six of the laws of eighteen hundred and seventy-nine, one hundred thousand dollars, or so much thereof as may be necessary, to be paid to the order of the commissioners for such enlargement, in such sums and at such times as they shall require the same, and upon vouchers therefor to be approved by the comptroller.

Superintendent of State prisons.

For the superintendent of State prisons, and for pay of janitor, fuel, postage, stationery and other incidental expenses, five hundred dollars.

Reformatory at Elmira.

For the New York State reformatory at Elmira, for all purposes, including maintenance of the establishment, purchase of manufacturing materials, extension of sewer and completion of work for water supply, as may be required in excess of the earnings of the inmates, thirty-five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the managers.

Special police constable at Willard asylum.

The superintendent of the Willard asylum is hereby authorized to appoint a competent person as special police constable, who shall take and file, in the clerk's office of the county of Seneca, the usual oath of office, with power summarily to arrest disorderly persons or persons committing depredations or damage on the lands or docks, or within the buildings of said asylum, and to bring them before any justice of the peace in any town in which the lands or buildings of the asylum are situated, for examination, to be dealt with according to law.

Homœopathic asylum at Middletown.

For the Homœopathic asylum for the insane at Middletown, for completing the pavilion for female patients, now in the course of construction, seventy-five thousand dollars.

Buffalo asylum.

For the Buffalo asylum for the insane, for maintenance, fifteen thousand dollars, or so much thereof as may be necessary.

Hudson River State asylum.

For the Hudson River State Hospital for the Insane, for maintenance for the current year, fifteen thousand dollars, or so much thereof as may be necessary.

Paragraph in ch. 272, laws of 1879, amended.

The paragraph in chapter two hundred and seventy-two of the laws of eighteen hundred and seventy-nine, which is in the following words: "Hereafter no person who has not resided within the State for at least one year next prior to application for his or her admission into any State asylum for the idiotic, blind, insane or deaf and dumb, shall be admitted as an inmate therein," is hereby amended so as to read as follows:

Hereafter no pauper who has not resided within the State for at least one year next prior to application for his or her admission into any State asylum for the idiotic, blind, insane or deaf and dumb, shall be admitted as an inmate therein.

Seamen's Retreat Hospital.

For the Seamen's Retreat Hospital, on Staten Island, for paying the principal and interest of the mortgage on the property, sixteen thousand and fifty dollars.

New Capitol commissioners, care, etc., of south center portion.

The new capitol commissioners are hereby charged with the care and superintendence of the south center portion of the new capitol building, when completed, and such other portions thereof as may be ready for occupancy on the first day of January, eighteen hundred and eighty-one, and with the employment of the necessary attendants and laborers therefor, and also with the duty of providing for the heating, lighting and cleaning of the same, and for that purpose and for deficiency in appropriations for the care of the capitol, the sum of twenty-five thousand dollars is hereby appropriated, payable on the order of the new capitol commissioners as the same may be required by them.

Appropriation of $25,000.

PAYABLE FROM THE UNITED STATES DEPOSIT FUND.

CAPITAL.

U. S. deposit fund.

For investment of the capital of the United States deposit fund, one hundred and fifty thousand dollars, or so much thereof as may be necessary, in addition to all former appropriations for such purpose.

REVENUE.

Damages, etc., in suit of Francis M. Thompson.

For the comptroller, to pay damages, attorney's costs and disbursements in the suit of Francis M. Thompson against the commissioners for loaning certain moneys of the United States for the county of Otsego, the sum of two thousand dollars, or so much thereof as may be necessary.

§ 2. This act shall take effect immediately.

CHAP. 550.

AN ACT relating to certain assessments for local improvements in the city of New York.

PASSED June 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Assessments may

SECTION 1. Any assessment for any local improvement in the city of New York heretofore confirmed by the board for the revision and cor-

rection of assessments in said city, and, also, any assessment for any local improvement heretofore completed which may be hereafter confirmed by said board, and any assessment for the local improvements known as Morningside avenues, when confirmed by said board, may be vacated, modified, set aside, revised or confirmed in conformity with the provisions hereinafter contained and not otherwise. All officers charged with any duty connected with the imposition or confirmation of assessments for local improvements in the city of New York are hereby directed so to perform such duty that assessments for all local improvements heretofore completed shall be finally passed upon by the board for the revision and correction of assessments pursuant to the provisions of law relating to assessments in said city within six months after the passage of this act. Any assessment for the local improvements known as Morningside avenues shall be finally acted upon by such board for the revision and correction of assessments within three months after the completion of the same.

be vacated.

Duty of officers.

§ 2. The commissioners hereinafter designated and named, or a majority of them, shall, for the purposes of this act, have jurisdiction to revise, vacate or modify any of the assessments aforesaid, when the owner or owners of the real estate affected by such assessment, or other party or parties affected thereby shall have filed with the comptroller of said city a notice specifying the particular assessment complained of, the date of the confirmation of the same, the property of such owner or party affected, and in a brief and concise manner the objections thereto, showing or tending to show that the assessment was unfair or unjust in respect to said real estate. Such notice must be filed with the said comptroller, and a duplicate thereof with the counsel to the corporation, as follows:

Jurisdiction of commissioners.

Notice.

To be filed. When.

1. As to all assessments heretofore confirmed, on or before the first day of November, eighteen hundred and eighty.

2. As to all assessments hereafter confirmed for local improvements heretofore completed, and as to any assessment for the local improvements known as Morningside avenues, within two months after the dates upon which such assessments may be respectively confirmed.

§ 3. It shall be the duty of said commissioners, or a majority of them, to inquire into the facts and circumstances relating to any assessments to which objections may be made and the notice filed as aforesaid, and to hear the evidence in support of such objections or in opposition thereto, and on every such inquiry and hearing to administer oaths or affirmations to all persons testifying, and after duly considering the evidence, to determine whether substantial injustice was caused by the confirmation of such assessments or otherwise; and any assessments as to which the said commissioners, upon such inquiry, may determine that substantial injustice has been caused by the confirmation of the same or otherwise, may be revised, modified or vacated by the said commissioners, and they may award such relief to the respective parties filing such applications as shall be, under the circumstances and on the evidence presented, just and equitable; and they shall, in determining such relief, consider the fair value of the work done, for which the assessment is imposed, and the amount of benefits conferred over and above the damages, if any, caused by the improvement. A majority of said commissioners shall constitute a quorum for the hearing of any application, and the relief granted must be concurred in by at least a majority of the commissioners. They or any person who has filed any such application, or the counsel for said city as hereinafter provided, shall have power to summon wit-

Commissioners to inquire into facts, etc.

May revise, modify or vacate unjust assessments and award relief.

Quorum.

Summons to witnesses.

nesses and require the production of books and papers, and the attendance of witnesses, and the production of books and papers may be compelled under and pursuant to the provisions of title two of chapter nine of the Code of Civil Procedure.

Counsel to corporation to defend city.

§ 4. It shall be the duty of the present counsel to the corporation properly to protect, maintain and defend the interest of the city in relation to all matters before said commissioners pursuant to the provisions of this act.

Commissioners.

§ 5. Edward Cooper, the present mayor, John Kelly, the present comptroller, and Allan Campbell, the present commissioner of public works of said city, together with John S. Lawrence, George H. Andrews and Daniel Lord, Junior, of said city, are hereby appointed commissioners for the purposes of this act, with power to appoint clerks and stenographers. Notice of all meetings of said commissioners given by publication in the "City Record" and the "Daily Register," in such form as they shall determine, shall be sufficient for all purposes, and such meetings shall be held as frequently as necessary for the dispatch of the duties hereby imposed upon them. All meetings, except for consultation and decision, shall be public. A minute-book shall be kept by them, or under their supervision, in which shall be entered a faithful record of all the proceedings of said commissioners, which shall be at all times open to the public for inspection, and on the final adjournment of the commissioners shall be filed in duplicate in the finance department and in the office of the clerk of the common council. The said commissioners, or a majority of them, shall have full power to determine the order and manner in which cases shall be heard, and in which evidence shall be taken; to decide all questions as to the competency, relevancy and materiality of testimony; to fix and limit the time within which evidence and argument in each case may be submitted; and generally, except as herein specifically provided, to determine and prescribe the mode and manner in which all proceedings taken before them, or under this act, shall be conducted. All evidence, whether offered on behalf of the property owners, or the city, shall be submitted before July first, eighteen hundred and eighty-one, and the decision of the commissioners, or a majority of them, in every case shall be rendered in writing on or before September thirtieth, eighteen hundred and eighty-one, on which last-mentioned day the jurisdiction and authority of said commissioners under this act shall cease except as hereinafter otherwise provided. The time for filing the notices provided by the second and eighth sections of this act, for the submission of evidence, or for the making of a decision by the commissioners, may be extended beyond the time herein specified by the supreme court in the first judicial district in such manner and upon such notice as the court may direct. In case of the death, resignation, refusal or failure to act, of any one or more of the aforesaid commissioners, then and in that case every power conferred and every duty devolved upon said commissioners shall be possessed and exercised by the remainder of said commissioners, or a majority of them, and a certificate signed and filed as herein provided, by such majority, shall be valid and effectual for every purpose of this act.

Notice of meetings.

Minute book.

Manner in which cases shall be heard, etc.

Evidence to be taken before July 1, 1881.

Time for filing notices.

In case of death, etc., of commissioner, remainder to act.

Relief to be avoided.

§ 6. The said commissioners shall award such relief as in their judgment is just and equitable in view of the circumstances of each case brought before them by the notice aforesaid, and shall determine what relief, if any, is to be awarded in respect of each lot or parcel of land, and what reduction, if any, is to be allowed upon such lot or parcel, and thereupon they shall file in each case a certificate, signed by a

majority of the said commissioners, in the department of finance in said city, specifying the relief awarded by them, and upon such filing the assessment on each lot or parcel shall be revised, modified or vacated as in said certificate specified, and the amounts fixed by such certificate, with interest thereon from the date thereof, and no more, shall thereafter be the extent of the lien upon such lots or parcels in respect of such assessment.

Expenses to be a charge on the city.

§ 7. The reasonable expenses of the proceedings authorized by this act, including compensation for the performance of the duties imposed thereby, shall be a charge upon the city of New York as the same may be fixed and allowed by the board of estimate and apportionment in said city, and shall be paid by the comptroller of said city; provided that no compensation shall be allowed for services rendered therein by any officer of the city of New York during his term of office. The comptroller may provide the money to pay such expenses by the issue of revenue bonds of said city, and an amount sufficient to cover said expenses and to pay such bonds shall be included in the final estimates of said city for the years eighteen hundred and eighty-one and eighteen hundred and eighty-two.

Not to affect certain proceedings and actions.

§ 8. The provisions of this act shall not apply to or affect any proceeding or action now pending, or in which the time to appeal has not expired, or in which the order or judgment has not been carried into effect; or any proceeding or action which may be commenced within three months after the passage of this act, to vacate or set aside any of the assessments specified in the first section of this act heretofore confirmed, or any proceeding or action which may be commenced to vacate or set aside any of the assessments specified in the said first section, hereafter confirmed as therein provided, brought within three months after the date of such confirmation, or the relief to which any party thereto is or may be entitled in any such action or proceeding under existing laws; provided that if any such proceeding or action is dismissed or such relief refused, and it shall appear in the order dismissing or denying such application that such dismissal or denial is on account of some irregularity, technicality, informality, mistake or other omission or defect of form therein (in which cases it shall be the duty of the court to specify the same in such order), the party thereto shall be entitled to make such further or other applications as he may be advised, within twenty days after the date of an order directing such dismissal or refusal, and none of the provisions of this act shall apply to or affect such further or other application so made for the purposes aforesaid; and further provided, that if on a final decision in any such proceeding or action now pending, or which may be commenced or renewed as aforesaid, the decision or judgment therein shall be in favor of the city, the petitioner or plaintiff in such proceeding or action may obtain the benefits of this act by filing the notice provided in the second section hereof on or before the first day of May, eighteen hundred and eighty-one, and the said commissioners shall thereupon proceed as if such notice had been filed as in the second section provided.

Proviso.

Lien of assessments not vacated, etc., not to be disturbed.

§ 9. The lien of any assessment specified in the first section of this act, not vacated, reduced or set aside in any proceeding or action in the preceding section mentioned, or not vacated, revised or modified by the said commissioners pursuant to the provisions of this act, shall not be disturbed, modified, or vacated except in the manner and to the extent provided in the twelfth section of this act.

Awards to

§ 10. Whenever, prior to the passage of this act, any assessment for any

persons who have paid assessments.

local improvement imposed upon any particular lot or lots has been paid in whole or in part, and the assessment for such local improvement upon any other lot or lots shall be vacated, revised or modified by the commissioners as herein authorized, it shall be the duty of said commissioners to award and adjudge to the person or persons by whom such payments have been made, their legal representatives or assigns, an amount equal to the amount of reduction to which such parties would have been entitled if they had not made such payment, the amount of which award shall be proportionately equal to the reduction upon other lots so revised or modified as aforesaid. The said commissioners shall file in the finance department certificates in each case showing the amount of such awards, and the persons to whom the same are made; and the amounts thereof respectively shall thereupon become a charge against the mayor, aldermen and commonalty of the city of New York in favor of the respective persons to whom the same shall be made as aforesaid, and shall be provided for by the issue of assessment bonds of said city. Nothing in this section contained shall be held to apply where less than one-half of the entire expenses of the improvement assessed upon all the property deemed to be benefited thereby, exclusive of such portion of the expense of the improvement imposed upon said city or its property, remained on the first day of May, eighteen hundred and eighty, a lien or apparent lien upon said property deemed to be benefited.

Certificates of awards to be filed.

Section not to apply to certain assessments.

Assessments to be paid over to commissioners of sinking fund.

§ 11. The assessments heretofore made for local improvements in said city, including assessments for improvements heretofore contracted for or authorized, shall, when collected, be paid over to the commissioners of the sinking fund of said city, and applied by them as now provided by law.

Limitation on power of court on assessments.

§ 12. No existing provision of law shall enable or permit any court to vacate or reduce any assessment in fact or apparent, hereafter confirmed, whether void or voidable, on any property for any local improvement in the city of New York hereafter completed otherwise than to reduce any such assessment to the extent that the same may be shown, by parties complaining thereof, to have been in fact increased in dollars and cents by reason of fraud or substantial error; and in no event shall that proportion of any such assessment which is equivalent to the fair value of any actual local improvement, with interest from the date of confirmation, be disturbed for any cause. Nothing in this section shall apply to any assessment which may be imposed for the local improvements known as Morningside avenue.

§ 13. All proceedings to vacate or reduce assessments in the city of New York other than those specified in the first section of this act must be brought within one year after the confirmation thereof.

§ 14. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 15. None of the provisions of this act shall apply to any re-assessment hereafter made or imposed for any local improvement for which an assessment has been or shall be vacated in whole or in part.

§ 16. This act shall take effect immediately.

CHAP. 551.

AN ACT to provide for the disposition of a portion of the Chenango canal and what is called and known as the Chenango canal extension, and the lands, rights and other property connected therewith.

PASSED June 9, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Except as hereinafter provided, all the estate, right, title, interest and property which the people of this State have heretofore acquired and now have in and to all the lands and water privileges taken and appropriated for the purpose of constructing and operating the Chenango canal, and what is called and known as the Chenango canal extension, commencing at and lying south of the stone culvert in the village of Hamilton, in the county of Madison, shall revert to and is hereby granted and released to and vested in the person or persons owning the lands adjoining, to the center line of said canal, in consideration of, and upon the condition precedent that such owner or owners shall, by an instrument in writing, under their hands and seals and duly acknowledged, release and discharge the State from all obligation to maintain the bridges and other structures connected with such portions of said canal, and of said extension, and from all liability for damages arising from the abandonment thereof; whereupon they and each of them are hereby authorized and empowered to hold, grant, devise and convey the same.

Interest of State released.

Lands to vest in owners of adjoining lands.

Condition.

§ 2. All the estate, right, title, interest and property which the people of this State have heretofore acquired, and now have in and to the several separate portions of the lands and water privileges taken and appropriated for the purpose of constructing and operating the Chenango canal, to wit:

Interest of State released.

1. All that portion lying between the southern end of the aqueduct over the Canasawacta creek, in the village of Norwich, Chenango county, New York, the feeder at the head of the level above the lock in said village with the said feeder, feeder-dam and right of user thereof, and all the bridges, locks, aqueducts and appurtenances to said canal within said bounds.

Description.

2. All that portion of said canal lying within the corporate limits of the village of Oxford, Chenango county, New York.

Id.

3. All that portion of said canal lying within the corporate limits of the village of Greene, Chenango county, New York, with the locks, culverts, aqueducts and appurtenances to said canal within said bounds are hereby separately and severally granted, released to and vested in the said several villages of Norwich, Oxford and Greene, respectively—that is to say, the first described portion, including said feeder, feeder-dam and rights of user thereof, the locks, bridges, aqueducts and appurtenances to said canal within said bounds in the said village of Norwich, in said county of Chenango; the second described portion in the village of Oxford in said county of Chenango, and the third described portion in the village of Greene, in said county of Chenango, in fee, for hydraulic, mechanical, sanitary, fire or street purposes, or for any other purposes for which said villages may direct not inconsistent with those purposes, with the privilege additional to

Id.

To villages.

the said village of Norwich of using the water from the said feeder, and the right to repair and keep in repair the feeder-dam and canal so granted, released to and vested in said village as a conduit of water to and through the said portion of said canal. The corporate authorities of each of said several villages, respectively, shall have the exclusive control and management of the portion of the said canal herein granted, released to and vested in their and each of their said villages, respectively, and of the locks, bridges, culverts, aqueducts, embankments, dam and feeder therewith connected, and shall assume as a consideration of this grant all liability for the care and maintenance of the same, and shall protect and keep the State harmless from all damages to adjoining owners hereafter arising from the abandonment thereof. Whenever either of said portions of said canal so granted, released to and vested in each of said several villages, respectively, shall cease to be serviceable or desirable to the village to which it is granted for hydraulic, mechanical, sanitary or fire purposes, it shall be lawful for such village to convert the same or any portion thereof into streets or avenues for the benefit and development of the village, or if not desired for street purposes, to make such other disposition thereof, not inconsistent with such purpose, as such village may direct. The trustees of said several villages respectively are hereby authorized to dedicate for street purposes or to sell, convey or release any of the lands hereby granted, released to or vested in their respective villages and to give and make the necessary deeds, releases and conveyances therefor, but no such dedication, sale or release shall be made or executed except upon the consent of a majority of the electors of such villages attending and voting therefor, at a meeting or election in such villages. Such vote may be taken at an annual election in said village or at a special election called for the purpose by the trustees, but not until after two weeks' notice in two newspapers published in any such village, if so many shall be published therein, or if not, then the newspaper published therein, shall have been given of the intention to vote upon the question of a disposition of the said lands or any part thereof, which notice shall state the substance of the action proposed. The power of dedication, sale or release, however, shall not apply to this portion of the said canal hereby granted, released to and vested in the said village of Norwich as are situated north of the boundaries of the said village, but such portion shall, in case the said village at any time decides no longer to use the same for mechanical, sanitary, hydraulic or fire purposes, revert to and are hereby granted, released to and vested in the person or persons owning the land adjoining, to the center line of said canal, subject to the duty to take care of the bridges thereon, and to keep the water drained therefrom. Nor shall this power of dedication, sale or release apply to such portions of the left bank of said canal lying within the corporate limits of any of said villages and upon which storehouses and other business buildings or blocks have been erected for business purposes, but such portions thereof shall revert to and hereby are granted, released to and vested in the owner of said buildings, their heirs and assigns forever; subject, however, to the right of any of said villages to appropriate the same or any portion thereof for street purposes, if such portion shall be deemed necessary, or be desired by any of said villages for that purpose, upon compensating such owners for the expenses necessarily incurred in the removal of any such buildings therefrom.

Corporate authorities to have control.

When no longer valuable for hydraulic purposes may be converted into streets.

Trustees may dedicate it for street purposes or sell same.

Consent of a majority of electors must be obtained.

Not to apply to portion of canal.

Id.

§ 3. All the estate, right, title, interest and property which the people of this State have heretofore acquired and now have in and to all

Interest of State released.

that portion of said canal lying in the town of Fenton, in the county of Broome, to wit: from a point thirty feet below the canal bridge at a place known as Van Name's Port and extending from that point to a point thirty feet beyond the canal bridge site at or near Port Crane in said town, with the bridges, culverts, and other materials and embankments thereto appertaining is hereby granted, released to and vested in the said town of Fenton for a public highway only, with the right to repair and keep in repair and fill up the same or any part thereof for such purpose. The overseer or overseers of highways of the said town of Fenton shall have the exclusive control and management of the portion of the canal herein granted to the said town, and are hereby authorized and empowered to remove all encroachments upon said lands and premises, and do and perform all things respecting the same that he or they are authorized to do and perform in respect to any other highway in said town, and as a condition of this grant the said town of Fenton shall assume all liability for the care and maintenance of the same, and the bridges, culverts and other materials thereon, and release and discharge the State from all obligations to maintain the said bridges and other structures connected with such portions of said canal, and from all liability to adjoining owners for damages hereafter arising from the abandonment thereof. Any person or persons hindering or obstructing any such officer in the discharge of such duty shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars for each such offense.

Overseers of highways to have exclusive control.

Penalty for obstructing officer in discharge of duty.

§ 4. In case any of the villages named in the second section of this act, or in case the said town of Fenton named in the third section of this act, shall neglect or refuse for the period of sixty days from and after the passage of this act to execute and deliver to the superintendent of public works an acceptance in writing of the estate, right, title, interest and property herein granted, released to and vested in any of said villages, or in said town of Fenton, and release the State from all the obligations and liabilities herein imposed upon said villages and upon said town of Fenton, as a condition precedent to this grant, every such estate, right, title, interest and property of the State in and to the lands and water privileges herein and hereby granted to any such villages, or to such town of Fenton, shall revert to and become thereupon vested in the adjoining owners in the same proportions, and upon the same restrictions and limitations, provided for in the first section of this act, and subject to all the conditions therein imposed; and in that event the material of the locks, culverts, aqueducts and other appurtenances shall be and remain the property of the State until otherwise disposed of. And in case any such lands and privileges lying within the corporate limits of any such village shall, owing to the neglect or refusal of such village to accept the same and execute the releases required by this act, revert to and become vested in the adjoining owners as hereinbefore provided, it shall be the duty of such owners to so use the same that the public health shall not suffer or the property of others be injured thereby; and such owners and such lands shall be subject to the jurisdiction and authority of the said villages in the same manner and to the same extent as other persons and other lands are subject.

Villages and towns to execute and deliver acceptance to superintendent of public works as condition precedent or title to be vested in adjoining owners.

§ 5. It shall be the duty of the said superintendent, under the receipt of any such acceptance and release as is provided for in the foregoing section, if the same shall be deemed sufficient for the pur-

Supt. to indorse approval on acceptance.

poses of this act, to indorse his approval thereon and file the same in his office.

Not to affect vested rights.

§ 6. Nothing in this act shall affect in any way the disposition of any portion of said canal or said extension heretofore made according to law, except to complete the same, or in any way interfere with or prevent a disposition and removal of the material of the locks, culverts, aqueducts, bridges and other appurtenances of said canal and said extension, not herein in any manner disposed of, as provided by chapter four hundred and four of the laws of eighteen hundred and seventy-seven and the acts amendatory thereof. And provided that no part of such canal shall be taken by this act from the State, nor any of the reservoirs thereon, which reservoirs are necessary to provide water for the use of the Erie canal or where such canal is necessary to convey such water from the reservoirs to said Erie canal.

Not to affect rights of State necessary to Erie canal.

§ 7. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 8. This act shall take effect immediately.

CHAP. 552.

AN ACT to authorize the issue of certain bonds and stocks of the city of New York exempt from taxation.

PASSED June 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When commissioners of sinking fund may direct bonds, etc., of city to be exempt from taxation for city purposes.

SECTION 1. The commissioners of "the sinking fund of the city of New York, for the redemption of the city debt," when duly authorized by ordinance of the common council may, by concurrent resolution, direct that the bonds and stocks of said city, hereafter issued pursuant to law, shall be exempt from taxation by said city, and by the county of New York, but not from taxation for State purposes; and all bonds and stocks issued pursuant to such authority shall be exempt from taxation accordingly; provided that said bonds and stocks shall not bear interest exceeding the rate of four and one-half per centum per annum.

Bonds to express fact of exemption on the face.

§ 2. The bonds and stocks of the city of New York, issued pursuant to the provisions of this statute, shall express upon their face the fact that they are exempt from taxation by the city and county of New York, but not from State taxation, and shall refer to this act, and to the ordinance of the common council, and the resolution of the commissioners of the sinking fund authorizing their issue.

§ 3. This act shall take effect immediately.

CHAP. 553.

AN ACT to amend title four, chapter six, part one of the Revised Statutes, entitled "of the manner of conducting elections."

PASSED June 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision one of section nine of article two, title four, chapter six, part one of the Revised Statutes, entitled "of the manner of conducting elections," is hereby amended so as to read as follows: Sub. 1, sec. 9, art. 2, title 4, ch. 6 of the R. S., amended.

1. The names of all persons voted for by any elector at any election, in whose election all of the voters of the State have the right alike to participate, except electors of president and vice-president and chief judge and associate judges of the court of appeals, shall be upon one ballot, which ballot shall be indorsed "State." The names of all persons voted for by any elector at any election for chief judge and associate judge of the court of appeals, justices of the supreme court, county judge, separate officers to perform the duties of surrogate, local officers to perform the duties of county judge and surrogate, and all other judges or justices, except such as are elected in and for a district which comprises less than an entire county (or city whose boundaries are coterminous with those of a county), shall be upon one ballot, which ballot shall be indorsed "Judiciary." The names of the persons voted for by any elector at any election for any local office, in whose election all of the voters of a county have the right alike to participate, except representatives in congress, senators and members of assembly, shall be upon one ballot, which ballot shall be indorsed "County," but where the boundaries of a city and county shall be coterminous then all city or county officers in whose election all the voters of said city and county have the right alike to participate, except judges or justices as aforesaid, shall be upon one ballot, which ballot shall be indorsed "City and County." Names on ballots indorsed "State." "Judiciary." "County," or "city and county."

§ 2. Section twenty-four of article three of said title is hereby amended so as to read as follows: Sec. 24, art. 3, amended.

§ 24. At each annual and special election the inspectors shall provide and keep a box in which all ballots required to be indorsed "State" as directed in the ninth section of this title, shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "Judiciary," shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "County," or "City and County," shall be deposited; also, in the proper counties, a box in which all ballots which are required by said ninth section to be indorsed "Assembly," shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "Senate," shall be deposited; also, a box in which all ballots which are required by said ninth section to be indorsed "Congress," shall be deposited. At any election at which any officers are to be voted for upon ballots not otherwise in this section provided for, there shall be provided as many additional boxes as there are additional kinds of ballots required. Ballot boxes.

§ 3. So much of chapter six hundred and seventy-five of the laws Acts repealed.

of eighteen hundred and seventy-two, entitled "An act in relation to elections in the city and county of New York and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat," as is inconsistent with the provisions of this act, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 554.

AN ACT to facilitate the collection of judgments against counties, towns, cities and villages.

PASSED June 9, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Duty of common council, trustees, etc., to levy amount to pay final judgment.

SECTION 1. If a final judgment for a sum of money, or directing the payment of money shall have been, or shall hereafter be recovered against any county, town, city or incorporated village within this State, and the same remains, or shall hereafter remain unpaid, and the execution thereof is not, or shall not be stayed as required by law, or if so stayed, the stay has expired, or shall hereafter expire, it shall be the duty of the board of supervisors, if the judgment is, or shall be, recovered against a county or town, or of the common council of the city, or the board of trustees of the village, if the judgment is, or shall be, recovered against a city or an incorporated village, and the said board of supervisors, common council, or board of trustees is hereby empowered to assess, levy, and cause to be collected at the same time and in like manner as other moneys for the necessary expenses of the county, town, city or village, as the case may be, are then next thereafter to be assessed, levied and collected, and in addition to the moneys now authorized by law to be assessed, levied and collected for that purpose, a sum of money sufficient to pay the said judgment with the interest thereupon, and the fees and expenses chargeable by law upon the execution, if any, issued to collect the same. The moneys so assessed and levied as soon as collected and paid to the proper receiving and disbursing officer or officers, or so much thereof as may be necessary, shall, from time to time, be paid by him or them to the judgment creditor, administrator, or assignee, or other person entitled to receive the same by reason of the said judgment, without any deduction for his or their fees or commissions.

Levy to be in addition to amount authorized by law.

Money to be paid to judgment creditor.

Limitation as to amount shall apply to moneys to be raised under this act.

§ 2. No restriction or limitation imposed by law as to the sum to be raised in any year in any city or village shall apply to the moneys to be raised for the purposes specified in the last preceding section; but the said moneys shall be raised in addition to any sum so restricted or limited.

§ 3. In the city of New York the powers and duties devolved upon the common council of a city by the first section of this act shall be exercised by the board of estimate and apportionment.

§ 4. This act shall take effect immediately.

CHAP. 555.

AN ACT in relation to Furman street in the city of Brooklyn.

PASSED June 9, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. None of the provisions of existing law shall authorize the construction or operation of any elevated railway upon Furman street in the city of Brooklyn, except that the consent of a majority of the owners of property on said Furman street, where it is proposed to construct such railway, be first obtained.

§ 2. This act shall take effect immediately.

CHAP. 556.

AN ACT relating to certain local improvements in the city of New York.

PASSED June 10, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller of the city of New York is hereby authorized to inquire into the facts and circumstances under which the contracts for the following works of local improvements were made and entered into by said city, namely: For regulating, grading and setting curb and gutter stones and flagging sidewalks in Eighth avenue, from the center of Fifty-ninth street to the center of Seventy-seventh street; from the center of Eighty-first street to the center line of One Hundredth street, and from the center of One Hundredth street to the center line of One Hundred and Twenty-second street; in One Hundred and Twenty-third street from Eighth avenue to New avenue; in One Hundred and Fourth street from Fifth avenue to the East river; in One Hundred and Thirty-fifth street from Eighth avenue to the Harlem river; and in Ninth avenue from Eighty-sixth street to One Hundred and Tenth street; for forming outlet sewer in Seventeenth street from Hudson river to and through Eleventh avenue and Twenty-third street to near Tenth avenue and in Seventeenth street; from Eleventh avenue to and through Tenth avenue, to Fourteenth street with branches; for forming outlet sewer in One Hundred and Eighth street from Hudson river to Boulevard, to One Hundred and Tenth street, to Tenth avenue with branches in Boulevard, One Hundred and Fourth and One Hundred and Seventh streets; for paving Thirtieth street between First avenue and East river; for paving Second avenue between Eighty-sixth and One Hundred and Twenty-fifth streets; and for paving Madison avenue between Forty-second and Eighty-sixth streets, and if satisfied that the several contracts relating to the said respective improvements were made and entered into by the parties thereto with the intent and understanding that the city was to charge and receive interest on the various payments made on account thereof from the date of payment to the date of the completion

Comptroller to inquire into facts under which certain contracts were let.

The contracts.

of the work, and not to the date of the confirmation of the assessment, and that the said several contracts were made and entered into in good faith, and that the rates and prices therein charged were fair and reasonable, he shall, on being so satisfied, ascertain and determine the amount of interest at the rate specified in said respective contracts on the several payments made by the city on account of the work under each contract as the same progressed from the date of the respective payments to the date of the completion of the work, and the difference between the amount so ascertained and determined and the amount charged and retained by the city against the said contracts respectively, as interest on the several payments from the date of each payment to the date of the confirmation of the assessment shall be paid by the city to the respective contractors or their representatives, with interest from the date of the completion of the work, under the respective contracts as aforesaid.

On being satisfied that prices were reasonable shall adjust interest account and pay difference.

§ 2. The said comptroller shall ascertain and determine the date or dates upon which the said contracts for regulating and grading and setting curb and gutter stones and flagging sidewalks in Eighth avenue, but for delays caused for which the contractors were not responsible, would have been completed, and the date or dates so determined, independent of any certificate, shall be taken to be the time the work under said respective contracts was completed, and to which interest on the payments as aforesaid is to be charged against the contracts.

To ascertain duties, but for delay, for which contractors were not responsible, when contracts would have been performed.

§ 3. In determining the amount of interest to be charged against the respective contracts specified in the first section of this statute, the said comptroller shall have exclusive and final power to inquire into the facts and ascertain if the work under the said contracts, or either of them, was delayed by the acts of the city, its officers or agents, and if in his opinion there was such delay, then during the continuance of such period of delay as he shall certify, no interest shall be charged against the contracts.

No interest to be charged for during time city was responsible for delays.

§ 4. To provide for the payments by this statute authorized, the comptroller is authorized to issue revenue bonds of said city in anticipation of the taxes of the city for the year eighteen hundred and eighty-one.

Revenue bond to issue to provide for payment.

§ 5. All assessments hereafter imposed for local improvements in said city shall be made by the board of assessors on the following certificates to wit:

Assessments for local improvements.

1. The head of the department charged with the execution of the work in question shall certify to the said board of assessors the total amount of all the expenses which shall have been actually incurred by the mayor, aldermen and commonalty of the city of New York on account thereof.

What certificates to contain.

2. The comptroller shall certify to the said board of assessors the amount of the interest, at the legal rate, upon the several installments advanced or payments made on account of such work, from the time of such payment or advance by the city, to a day sixty days after the date of such certificate. Thereafter the said board of assessors shall assess upon the property benefited, in the manner now authorized by law, the aggregate amount of such certificates, or such proportion thereof as is now authorized by law, and the said board shall not in any way be enjoined, restrained, hindered or delayed in the performance of this duty; provided that nothing herein contained shall be construed to affect the existing powers of the board for the revision and correction of assessments.

Id.

§ 6. All contracts for local improvements in said city now in course of execution shall be proceeded with and completed pursuant to the terms of said contracts, respectively, and the expense of such improvements shall be assessed upon the property benefited as in the preceding section specified. The time for completing the work under the said contracts, respectively, in all cases where the time allowed by the contract for completing the same has not expired, is hereby extended sixty days; and in all cases where the time has expired the same is hereby extended for sixty days from the date of the passage of this act. Contracts for local improvements to be proceeded with.

§ 7. This act shall take effect immediately.

CHAP. 557.

AN ACT to amend chapter three hundred and ninety-eight of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the improvement of the First avenue in the city of New York."

PASSED June 10, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and ninety-eight of the laws of eighteen hundred and seventy-one, entitled "An act in relation to the improvement of the First avenue in the city of New York," is hereby amended so as to read as follows: Sec. 1, ch. 398, Laws of 1871, amended.

§ 1. The board of assessors of the city of New York is hereby authorized and directed to assess upon the property intended to be benefited, in the manner provided by law for making assessments for local improvements, such expense as shall by the comptroller, the counsel to the corporation and the commissioner of public works of the city of New York be certified to have been justly and actually incurred by the mayor, aldermen and commonalty of the city of New York for regulating, grading and setting curb and gutter stones and flagging sidewalks in the First avenue from Ninety-second street to One Hundred and Ninth street in said city. Expense to be assessed on property by board of assessors.

§ 2. This act shall take effect immediately.

CHAP. 558.

AN ACT to authorize the improvement of the public squares, parks or places in the Fourth avenue between Sixty-seventh and Ninety-sixth streets in the city of New York.

PASSED June 10, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The department of public parks of the city of New York are hereby authorized and directed to proceed with the improvement and inclosure of the several public squares, parks or places laid out and established within the lines of Fourth avenue in the city of Department of public parks to proceed with im-

provements of parks, etc.

New York between Sixty-seventh and Ninety-sixth streets in said city. But said squares or places shall be so laid out and established as not to change, alter or interfere with the Fourth avenue improvement, or with the plans and openings established and carried out by the board of engineers of the Fourth avenue improvement.

Stock to issue to provide funds.

§ 2. To provide the money necessary to do the work authorized by the first section of this act, the comptroller of the city of New York is hereby authorized and directed to create and issue, upon the requisition of said department, in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, a public fund or stock, not exceeding fifty thousand dollars in all, whereof twenty-five thousand dollars shall be payable on the first day of November, eighteen hundred and eighty-one, and the balance of twenty-five thousand dollars on the first day of November, eighteen hundred and eighty-two, with interest, at the rate not exceeding six per cent per annum, and the proceeds of said fund or stock shall be applied to payment for the work, labor and materials required to be done under the authority of this act.

Amount, and when payable.

Amount to be included in estimate of expenses of conducting public business of the city.

§ 3. The board of estimate and apportionment of the city of New York is hereby directed to include in the final estimates of the amounts required to pay the expenses of conducting the public business of the city and county of New York during the years eighteen hundred and eighty-one and eighteen hundred and eighty-two, an amount sufficient to pay in each of said years one-half of the principal and interest of the fund or stock authorized to be issued by this act.

§ 4. This act shall take effect immediately.

CHAP. 559.

AN ACT granting the consent of the State of New York to the purchase by the United States of certain lands, pond and rights for the purpose of increasing the water supply of West Point, New York, and ceding jurisdiction over said lands and pond.

PASSED June 14, 1880; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consent of State given to the purchase of lands by U. S.

SECTION 1. The consent of the State of New York is hereby given to the purchase by the United States of America of a certain pond, known as Round pond, in the town of Highlands, county of Orange, State of New York, and of certain lands adjacent thereto, amounting in all to forty-nine and seventy-two one-hundredths acres, and of the right of laying a water-pipe from the same to the United States lands at West Point, New York, for the purpose of increasing the water supply thereof; and the said United States may hold, use, occupy and own the said lands and pond and exercise jurisdiction and control over the same and every part thereof subject to the restrictions hereinafter mentioned.

Jurisdiction ceded.

§ 2. The jurisdiction of the State of New York in and over said lands and pond mentioned in the last section shall be and the same is hereby ceded to the United States for the purpose aforesaid; and the

jurisdiction hereby ceded shall continue no longer than the said United States shall own the said lands and pond.

Concurrent jurisdiction.

§ 3. The consent is given and the said jurisdiction ceded upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over the said lands and pond so far as that all civil process in all cases and such criminal and other process as may issue under the laws or authority of the State of New York against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Exempt from taxation.

§ 4. So long as the said lands and pond shall remain the property of the United States, and no longer, the same shall be and continue discharged from all taxes, assessments and other charges which may be levied or imposed under the authority of this State.

Not to affect claim of Cornelius Nelson.

§ 5. This act shall not affect the claim of Cornelius Nelson in and to the minerals upon the said premises; nor the right of the public to enjoy the public highways as heretofore used.

§ 6. This act shall take effect immediately.

CHAP. 560.

AN ACT to provide for a further appropriation of moneys for the maintenance of the public parks of the city of Brooklyn and Bedford avenue.

PASSED June 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amount to be credited to maintenance of public parks.

SECTION 1. The comptroller of the city of Brooklyn is hereby authorized and directed to place to the credit of the account of maintenance of public parks of said city a sum not exceeding twenty thousand dollars to be used for maintenance and repairs of roads, paths and grounds in Prospect park and also the sum of eight thousand dollars for the repair of Bedford avenue, and pay the same as it shall be needed on the usual vouchers out of any moneys in the city treasury, and include said amount in the estimates for the support of the city government for the year eighteen hundred and eighty-one.

§ 2. This act shall take effect immediately.

CHAP. 561.

AN ACT to allow the continued use of a business name or designation in certain cases.

PASSED June 15, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

In case of death business may

SECTION 1. In case any resident of this State shall die, who, at the time of his death, and for a period of five years or more immediately

continue in name of deceased.

prior thereto, was conducting and carrying on, in his sole name, any business in this State, or who, at the time of his death, was so conducting and carrying on any business having relation with other States or foreign countries, the right to use the name of said deceased for the purpose of continuing and carrying on such business shall survive, and in all cases where the right hereby given is exercised, such right to the use of such name shall form a part of the personal estate of such deceased, and shall pass or be disposed of and accounted for as such, and the right hereby given may be exercised under the provisions of this act, in the case of all such persons who have died within three years last past.

Certificate to be executed by person continuing business and filed and published.

§ 2. In case any business shall be continued in the name of any such deceased person as in this act provided, the person or persons continuing such business shall execute and duly acknowledge a certificate setting forth the person or persons dealing or intending to deal under such name, with their respective places of residence, and file the same in the county where it is intended the principal place of business shall be, and shall cause a copy of such certificate to be published in a newspaper printed in the town or city in which shall be such principal place of business, or if none be printed in such town, then in a newspaper printed in the county town, and in the newspaper printed by the printer to this State for four successive weeks.

County clerk to keep book in which to record certificates.

§ 3. The county clerk, where any such certificate is filed as above provided, shall keep a book in which all such certificates shall be recorded at full length with their date of record, and also a register in which shall be recorded in alphabetical order every name which it shall be certified is to be used as herein provided, and in which shall also be recorded in alphabetical order the names of all persons filing certificates as herein provided, with the date of such filing, and copies of such certificates and an affidavit of advertisements, made as hereinbefore provided, shall be full evidence of the same.

Clerk's fee.

§ 4. The clerk shall be entitled to a fee of one dollar for recording every such certificate and for entering the name to be used and the name of the person filing such certificate as herein provided; and to a further fee of fifty cents for making and properly certifying a copy of such certificate.

Service of papers, etc.

§ 5. In case any action or proceeding shall be brought, founded in whole or in part upon any transaction growing out of a business conducted as hereby provided, and the name of such deceased is stated as a defendant, the process and papers in such action may be served on any person or persons using such name with like effect as though such person or persons had been named as defendant by his or their own respective names, and with the same effect as though all such persons were served with process, and the process and all papers may be amended by substituting the name or names of the person or persons using the name of such deceased, and no action shall fail, abate or be in any manner hindered by the name of such deceased being so used.

CHAP. 562

AN ACT to amend chapter five hundred and fifty-four of the laws of eighteen hundred and seventy-three, entitled "An act amending chapter eight hundred and thirty-seven, laws of eighteen hundred and sixty-eight, and chapter six hundred and twenty-three, laws of eighteen hundred and sixty-nine, in reference to the laying out, opening and continuing Bushwick avenue, in the town of New Lots, Kings county."

PASSED June 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter five hundred and fifty-four of the laws of eighteen hundred and seventy-three, entitled "An act amending chapter eight hundred and thirty-seven, laws of eighteen hundred and sixty-eight, and chapter six hundred and twenty-three, laws of eighteen hundred and sixty-nine, in reference to the laying out, opening and continuing Bushwick avenue, in the town of New Lots, Kings county," is hereby amended so as to read as follows: Sec. 1, ch. 554, Laws of 1873, amended.

§ 1. The commissioners when appointed as hereinafter provided, after having qualified as hereinafter provided, shall immediately proceed to lay out, open and continue Bushwick avenue from its present terminus at or near the line dividing the city of Brooklyn from the town of New Lots south-easterly to the Brooklyn and Jamaica turnpike, at or near the head of Pennsylvania avenue in said town, as said Bushwick avenue is laid down on a certain map made by Martin G. Johnson, May, eighteen hundred and seventy-three, and filed in the office of the register of Kings county, and according to the stone monuments now placed to designate the sides and lines of said avenue so to be laid out or extended from its present terminus in the town of New Lots as aforesaid. Commissioners to proceed and lay out avenue.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. Said commissioners shall be appointed by the county judge of Kings county, upon the application of ten freeholders, residents of said county, and said commissioners shall each take an oath of office and cause the same to be filed in the county clerk's office of said county, and shall have power to cause the necessary surveys to be made, and to appoint a surveyor, clerk and counsel to assist them, and the expenses so incurred shall form a part of the expenses to be assessed as hereinafter provided. Commissioners to be appointed by county judge.

§ 3. Section three of said act is hereby amended so as to read as follows:

§ 3. The commissioners shall cause notices of the laying out of the said avenue to be published for two weeks in one or more newspapers published in the town of New Lots, and shall serve notices upon the owners or occupants of lands on the line of said avenue to remove within sixty days from the date of such notice any fences or other incumbrances there may be thereon, and if the same shall not be removed within said sixty days, then the commissioners shall cause the same to be removed at the expense of such owners or occupants, and said commissioners shall have power to enter upon and Notices of laying out avenue to be published, etc.

take for the use of said avenue such lands as may be necessary; if the owners of lands lying in said avenue shall not, within sixty days from the service of notice on such owners as aforesaid, convey the lands owned by them respectively to the town of New Lots, then the commissioners shall proceed to estimate the value of any lands lying in said avenue, and in order to ascertain the proper compensation to be made to the owners of the lands so taken, the commissioners may have witnesses, and take testimony for that purpose, and by their chairman administer to such witnesses the necessary oaths and affirmations, and at the same time the commissioners shall assess the amounts of such awards, and the expense attending the same, upon the lands and premises in said town of New Lots, and in such a manner as is hereinafter provided. Before proceeding to make such awards and assessments, they shall give public notice in two or more newspapers published in the county of Kings at least ten days prior to such meeting for said purpose, of the time when and place where they will meet, and they may adjourn from time to time for such purpose, at which meeting all persons interested may appear and be heard. Said commissioners shall make such awards and assessments in the form of a report, which they shall present to the county judge of Kings county for confirmation. Such county judge may send back such report for revision and correction, or he may correct the same, if he shall deem just, and such proceedings shall be held toward the confirmation of the same until the same be finally confirmed. Upon the confirmation of said report the lands mentioned therein shall vest in the town of New Lots for the purposes of a public avenue or highway.

Proceedings to ascertain damages to owners.

Notice of meeting.

County judge may send report back for revision.

§ 4. Section four of said act is hereby amended so as to read as follows:

§ 4. Said commissioners, immediately after the confirmation of the report of awards and assessments as provided for in section three preceding, shall enter upon the land taken for said avenue and shall cause the same to be properly graded, and regulated and prepared for public travel, and they shall assess the cost of such grading and preparing, together with the assessments for awards and damages for lands and buildings, or removal of buildings and all other expenses of the commissioners in carrying out this act, in the following manner: The total amount of said awards, assessments and expenses to be assessed upon the lands and premises immediately adjoining said extended part of said avenue from the dividing line between the city of Brooklyn and the town of New Lots, and to a point in a south-easterly direction distant four hundred feet from the projected terminus of said Bushwick avenue, at its intersection with the Brooklyn and Jamaica turnpike in said town of New Lots, and to a depth of four hundred feet on both sides of the center line of said avenue wherever admissible and practical, the lands of the Evergreen Cemetery however excepted, in proportion as the same shall be benefited in their opinion by reason of such opening and improving of said avenue.

When commissioners to proceed with work.

Assessments for benefits.

§ 5. Section five of said act is hereby amended so as to read as follows:

§ 5. The commissioners shall certify such assessments to the supervisor of the town of New Lots, who shall present the same, together with the amount of interest necessary thereon, to the supervisors of the county of Kings, who shall levy the same in five equal parts, annually, with interest thereon at the rate of six per cent per annum on the lands and premises described in such assessment roll, and the same

Commissioners to certify to supervisor and the board of supervisors to levy tax.

shall be collected as the local taxes are collected, and when collected shall be paid to the supervisor of New Lots, and by him applied to pay the bonds to be issued as hereinafter provided for.

§ 6. Section six of said act is hereby amended so as to read as follows:

§ 6. The supervisor of the town of New Lots shall borrow on the faith and credit of the town of New Lots, and in its name execute and issue bonds for such sum or sums of money as shall be necessary to pay for said improvement of Bushwick avenue and all the expenses attending the same, and shall advance or pay the same to the commissioners in charge of the improvement. Such bonds shall bear interest at not more than six per centum per annum, and shall be payable at such place and such time not exceeding five years as said supervisor shall deem expedient.

Supervisor to borrow and issue bonds of town for amount necessary.

§ 7. This act shall take effect immediately.

CHAP. 563.

AN ACT in relation to cleaning the streets of the city of Brooklyn.

PASSED June 15, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of city works, health and police respectively, of the city of Brooklyn, are hereby authorized to make a contract in the name of the city of Brooklyn for cleaning the streets, avenues, alleys and public places of said city, and removing ashes therefrom for a period of five years from the thirty-first day of December, eighteen hundred and eighty. The terms and conditions of said contract shall be fixed in specifications to be prepared by the department of city works under the direction and supervision of the said commissioners, and shall be printed and filed with the department of city works before proposals are invited, and said contract shall be awarded by the said commissioners to the lowest responsible bidder whose proposals in the judgment of the said commissioners shall be for the best interest of the city; provided, however, that said contract shall not involve an annual expense to said city of over seventy thousand dollars.

Officers named to make contract for cleaning streets.

Terms of.

Award of.

§ 2. The administration of the contract shall be under the direction of the department of city works. Before entering upon the execution of the contract, the contractor shall deposit with the comptroller the sum of three thousand dollars as part security for the proper fulfillment of said contract; and whenever a sworn petition, signed by fifteen or more tax payers of the city, shall be filed with the city clerk showing any street, avenue, alley or public place in said city not to have been cleaned, pursuant to the requirements of said contract, the commissioners may meet and investigate the charge contained in said petition, and if said officers then or at any other time, or of their own motion, find after a hearing of the contractor that said contract or any existing contracts has not been kept in any particular, they may terminate said contract for cause shown, and

Under direction of department of city works.

Deposit.

Investigation, when to be made, etc.

may recover in the name and behalf of said city, in damages for a failure of the contractor to keep any of the terms of the contract, the penal sum fixed by said officers for the bond or security to be given by said contractor with said contract, and upon a termination of said contract, they may proceed to make another contract in the same manner and to the same extent as in the first instance.

§ 3. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 564.

AN ACT to amend chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn, and the various amendments thereof."

PASSED June 16, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 13, title 2, ch. 863, Laws of 1873, amended.

SECTION 1. Section thirteen of title two of chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn, and the various amendments thereof," is hereby amended so that subdivision eleven thereof shall read as follows:

Licensing common carriers, hawkers, etc.

11. To regulate and license common carriers, carriers of passengers, criers, hawkers, peddlers, pawnbrokers, junk dealers, public cartmen, truckmen, hackmen, cabmen, expressmen, dealers in coal, firewood, hay and straw, meat shops, fish mongers, auctioneers, undertakers, intelligence offices, exhibitions, menageries, circuses, common shows, and dogs; real estate, steamboat, railroad, insurance and ticket agents, billiard saloons, bowling alleys and shooting galleries; also vehicles of every description used on the public streets in the conduct and carrying on of any business, except that of physicians, established and transacted in said city, provided that the license fee charged for any one vehicle shall not exceed three dollars per year. The common council shall also fix an annual license fee not exceeding the sum of twenty dollars for each street or horse car daily operated and used in said city. Every railroad company operating or using such cars shall, on or before the first day of June in each year, certify to the city clerk the average number of cars daily operated and used by said company, which certificate shall be verified by the oath of one of the managing officers of said company; and every such railroad company shall, on or before the first day of July in each year, pay to the treasurer of said city the license fee so established, for the average number of cars so operated and used by said company. Said license fees shall be taken in full satisfaction for the use of the streets or avenues of said city, but the same shall not relieve said companies from any obligation now required by law to keep such streets and avenues, or any part thereof, in repair.

License fees.

R. R. Co. to certify average numbers of cars in daily operation.

License fee to be in full for use of streets.

Appointments to office in case of

§ 2. Title third of said chapter eight hundred and sixty-three is hereby amended by adding at the end thereof a new section to be numbered section seventeen, and to read as follows:

§ 17. Whenever, during the year eighteen hundred and eighty, it shall be the duty of the mayor and comptroller to appoint any commissioner, assessor, member of the board of education, or other city officers, and they shall fail to agree upon one or more of the persons to be appointed, for a period of ten days after they shall first have had power to appoint, then and in that case the auditor of the city of Brooklyn shall have equal power with the said mayor and comptroller in making such appointments, and the said mayor, comptroller and auditor, or a majority of them, shall agree upon and appoint such officers, as shall not have been agreed upon and appointed by the mayor and comptroller, but nothing herein contained shall extend the time during which such appointments may be made.

failure of mayor and comptroller to agree.

§ 3. This act shall take effect immediately.

CHAP. 565.

AN ACT to provide for the improvement of Morningside park in the city of New York, and of the streets and avenues bounding said park.

PASSED June 16, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioner of public works of the city of New York is hereby authorized and directed to complete the regulating, grading, curbing and guttering, construction of roadways, flagging the sidewalks, the planting of shade trees, construction of sewers, and of the necessary retaining walls to support the roadways and sidewalks of the streets and avenues bounding Morningside park in said city, according to such plans as the said commissioner may deem for the best interests of said city; all such work and the materials necessary therefor to be done and procured by one or more contracts made at public letting in the manner provided by section ninety-one of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, except that the said commissioner is hereby authorized to appoint such engineers or such other persons as he shall deem proper to make the necessary surveys, estimates, plans and specifications, and supervise the construction of the work herein mentioned to be done by said commissioner, and the expense thereby incurred shall be included in the assessment for the work.

Commissioner to complete grading, etc.

§ 2. It shall be the duty of the said commissioner of public works to transmit to the board of assessors of said city of New York, upon the completion of said works, or any portion thereof, as the said commissioner may deem advisable, his certificate of the amounts heretofore expended upon said works, together with the expenditures hereafter incurred upon the same by him under the provisions of this act, and the proceedings for laying and collecting assessments for work so certified shall be pursuant to the laws now or hereafter in force for laying and collecting assessments for local improvements in said city. Assessments which are authorized for the expense of any work or materials procured or services rendered under this act may be laid separately from time to time upon the receipt of the said board of assessors of such certificate of the said commissioner.

Duty of commissioner to transmit to board of assessors amount expended, etc.

Change of grades of streets, etc.

§ 3. The said commissioner of public works is hereby authorized and directed to change and adjust the grades of said streets and avenues in such manner as he may deem for the best interests of the public; provided that such altered grades shall, at the intersection of the center line of any abutting street or avenue, coincide with the present established grade of such abutting street or avenue; and it shall be the duty of the said commissioner to file in the department of public parks, in the department of public works and in the office of the register of the city and county of New York, a map or maps, duly certified by him, showing the grades of said streets and avenues as so changed and adjusted, and upon the filing of said map or maps as herein provided, the grades shown therein shall be deemed established as shown on said map or maps.

Control of streets, etc.

§ 4. The department of public works in said city shall have control of the care and maintenance of said streets and avenues, and the improvements upon the same, after completion.

May place slope or batter of walls within limits of park.

§ 5. Permission and authority is hereby given to the commissioner of public works to place the slope or batter of such retaining walls within the limits of the said Morningside park, and the said commissioner and the contractors and their employees for doing said work may enter and occupy that part of Morningside park fronting the avenues adjacent thereto, for such time as may be required for the construction of said retaining walls and slope or batter. Such modifications and adjustment of said retaining walls and slope or batter as may be required to conform to plans and specifications of the department of public parks for the approaches or means of ingress or egress to or out of said Morningside park, shall be made or done by the department of public parks, and the work which the commissioner of public works is hereby authorized to do, and the work required to be done in and about said retaining walls, slope or batter, as herein described, to carry out the plans and specifications of the department of public parks, shall, as far as practicable, be prosecuted at the same time.

Definite plan to be adopted and filed.

§ 6. The department of public parks in said city is hereby directed to adopt and file within one month after the date of the passage of this act, in the office of the department of public works in said city, a definite plan and design for the improvement of said Morningside park, and of the approaches to said park from the streets and avenues bounding the same, and of any ornamentation which the said department of public parks may deem desirable, in connection with the construction of such retaining or parapet walls, as the department of public works may find it necessary to construct for the improvement of said streets and avenues.

When work to be done.

§ 7. The said department of public parks is hereby authorized and directed to proceed immediately after the filing of said plans and designs, and in accordance therewith, and with such additional and amended plans and designs as said department of public parks shall thereafter from time to time approve, to complete said Morningside park and the improvements thereon, and in order that the construction of the streets and avenues bounding said park under the direction of the commissioners of public works may not be impeded or delayed, the said department of public parks is further directed to proceed firstly with that portion of the improvement including approaches and ornamentation which is necessary to be done in connection with said streets and avenues, and the retaining walls to be constructed by the department of public works for the improvement of

the said streets and avenues, and the moneys appropriated by this act shall be applied primarily to the said work on approaches and ornamentation connected with said retaining walls.

Stock to be issued to provide means.

§ 8. To provide means for the work by this act authorized and directed to be done by the said department of public parks, the comptroller of the city of New York is hereby authorized and directed to create and issue, from time to time as required, within twenty days after requisition is made on him so to do by resolution of the said department of public parks, or a majority of the commissioners thereof, in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, a public fund or stock to an amount to be mentioned in said requisition, and not exceeding one hundred and fifty thousand dollars in all, whereof not exceeding seventy-five thousand dollars shall be payable on the first day of November, one thousand eight hundred and eighty-one, with interest at a rate not to exceed six per centum per annum, the balance thereof, with interest at six per centum per annum, shall be payable on the first day of November, eighteen hundred and eighty-two, and the proceeds of the said fund or stock shall be applied by said comptroller to payment for work authorized by this act to be done by said department of public parks.

Amount to be included in estimate.

§ 9. The board of estimate and apportionment of the city of New York is hereby directed to include in the final estimates of the amounts required to pay the expenses of conducting the public business of the city and county of New York during the years eighteen hundred and eighty-one and eighty-two, an amount sufficient to pay in each said years, one-half of the principal of the fund or stock authorized to be issued by this act, together with the interest thereon.

Work to be done by successor or successors.

§ 10. Whatever is by this present act authorized or directed to be done by the said department of public works, or by the said department of public parks, shall be done and performed by any successor or successors in office of said departments or by the commissioners thereof.

§ 11. This act shall take effect immediately.

CHAP. 566.

AN ACT to amend chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven, entitled "An act authorizing the incorporation of rural cemetery association," and the acts amendatory thereof.

PASSED June 16, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 11, ch. 133, Laws of 1847, amended.

SECTION 1. Section eleven of chapter one hundred and thirty-three of the laws of eighteen hundred and forty-seven is hereby further amended so as to read as follows:

Lots inalienable.

§ 11. Whenever the said land shall be laid off into lots or plats and such lots or plats, or any of them, have been transferred to individual holders, and after there has been an interment in a lot or plat so transferred, or after the death of the holder or proprietor of any lot or plat, such lot or plat, from the time of such first interment, or from the time of such death, shall be forever thereafter inalienable,

and shall, upon the death of the holder or proprietor, descend to the heirs-at-law of such holder or proprietor and to their heirs-at-law forever, provided that any one or more of such heirs-at-law may release to any other of the said heirs, or any one or more of two or more joint-owners, may release to any other of the joint-owners, his, her or their interest in the same on such conditions as shall be specified in the release, a copy of which shall be filed in the office of the cemetery association; and provided, further, that the body of any deceased person shall not be interred in any lot or plat, unless it be the body of a person having, at the time of such decease, an interest in such lot or plat, or the relative of some person having such interest, or the wife or husband of such person, or his or her relative, except by the consent of all persons having such interest; and provided, further, that in case all bodies interred in any lot or plat shall be lawfully removed therefrom, the owner or owners of such lot or plat may apply to any special term of the supreme court held in the county where the cemetery of such association is situated, or in an adjoining county, for leave to sell the same. Notice of such application, with a copy of the papers upon which the same is founded, shall be given to all parties interested, including such association, as in case of ordinary motions, upon notice, brought before the said court; and the said court may, for proper cause shown, authorize the sale of such lot or plat. But after the death of the holder or proprietor of any lot or plat, or if there be more than one holder or proprietor, after the death of either or any of them, no such sale shall be authorized by the court, unless directed or authorized to be made in and by the last will and testament of said deceased. Any body interred in any lot and removed therefrom shall be deemed to be lawfully removed, within the meaning of this section, if such removal was with the consent of the cemetery association, on the written application of the executor, or widow, or widower, or nearest of kin of the deceased; or if such association refused such consent, then, in lieu thereof, the consent of any special term of the supreme court held in the county where the cemetery of such association is situated, or an adjoining county. At any time when application for such consent shall be made to any such special term, notice thereof, as in case of ordinary motions, upon notice, brought before the said court, with a copy of the papers upon which the same is founded, shall be given to said association and to such other parties as the court shall direct; and the said court may, for proper cause shown, authorize the removal of such body.

Proviso.

Id.

Id.

Notice of application for leave to sell.

When bodies to be deemed lawfully removed.

Notice to be given association of application for leave to sell.

§ 2. Any lot or plat hereafter conveyed by any association incorporated under the act hereby amended, may be conveyed in such form and manner, that, from the time of such conveyance, or from the time of any interment in such lot or plat, the same shall be forever thereafter inalienable, and shall, upon the death of the holder or proprietor thereof, descend to all, or any one or more of the heirs-at-law of such holder or proprietor, and to all or any one or more of their heirs-at-law, or to such other person or persons, or such other class or classes of persons, as may, in the conveyance thereof, be designated for that purpose; but any one or more of such heirs-at-law, or of the persons who shall become the joint owners or proprietors of such lot or plat, may release to any other or others of such heirs-at-law, or persons, his, her or their interest in the same, on such conditions as shall be specified in such release; a copy of which shall be filed in the office of such association.

Lots may be conveyed so as to be inalienable after interment

§ 3. Any lot or plat heretofore conveyed, or which may hereafter be conveyed by said association, may be held in the manner and for the

How lots to be held.

purpose authorized by the last preceding section; provided that the owner or proprietor thereof, who has received a conveyance of the same from such association, shall signify and declare his or her wishes in respect thereto, by an instrument in writing duly acknowledged, or by any last will and testament duly made and executed; and shall file the same, or a copy thereof, in the office of such association.

Association may take and hold lot made inalienable and may restrict interments therein.

§ 4. Any such association may take and hold any lot or plat which may be conveyed or devised to it by the owner or proprietor thereof, receiving title thereto from such association, with authority in the grantor or testator to make the said lot or plat thereafter inalienable, and to restrict interments therein to such person or persons, or such class or classes of persons, as may for that purpose be designated and prescribed in the conveyance or devise under which the said lot or plat shall be so taken and held.

§ 5. This act shall take effect immediately.

CHAP. 567.

AN ACT to amend chapter one hundred and sixty-three of the laws of eighteen hundred and seventy, entitled "An act to amend the act entitled 'An act to authorize the business of banking,' passed April eighteen, eighteen hundred and thirty-eight."

PASSED June 4, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1, ch. 176, Laws of 1870, amended.

SECTION 1. Section one of chapter one hundred and sixty-three of the laws of eighteen hundred and seventy, entitled "An act to amend the act entitled 'An act to authorize the business of banking,' passed April eighteen, eighteen hundred and thirty-eight," is hereby amended so as to read as follows:

Rate of interest to be charged by banks, etc.

§ 1. Every banking association organized and doing business under and by virtue of the act entitled "An act to authorize the business of banking," passed April eighteen, eighteen hundred and thirty-eight, and the various acts supplementary thereto and amendatory thereof, and every private or individual banker or bankers doing business in this State, are hereby authorized to take, receive, reserve and charge on every loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at the rate of six per centum per annum, and such interest may be taken in advance, reckoning the days for which the note, bill or other evidence of debt has to run. The knowingly taking, receiving, reserving or charging a rate of interest greater than aforesaid shall be held and adjudged a forfeiture of the entire interest which the note, bill or other evidence of debt carries with it, or which has been agreed to be paid thereon; and, in case a greater rate of interest has been paid, the person or persons paying the same, or their legal representatives, may recover back twice the amount of the interest thus paid, from the association taking or receiving the same; provided that such action is commenced within two years from the time the said excess of interest is taken. But the purchase, discount or sale of a bona fide bill of exchange, note or other evidence of debt, payable at another place than the place of such pur-

Knowingly taking greater rate to work forfeiture of entire interest.

Exchange may be added on discount

of bill payable at another place.

chase, discount or sale, at not more than the current rate of exchange for sight drafts, or a reasonable charge for collecting the same, in addition to the interest, shall not be considered as taking or receiving a greater rate of interest than six per centum per annum.

Sec. 2, chap. 163, amended.

§ 2. Section two of said chapter one hundred and sixty-three of the laws of eighteen hundred and seventy is hereby amended so as to read as follows:

Intent of act to place banking associations, etc., on equality with national banks.

§ 2. It is hereby declared that the true intent and meaning of this act is to place and continue the banking associations organized and doing business as aforesaid on an equality, in the particulars in this act referred to, with the national banks organized under the act of congress, entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four. And all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 568.

AN ACT to consolidate, amend and revise the charter of the village of Sing Sing, in the county of Westchester.

PASSED June 17, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Boundaries.

SECTION 1. All that part of the town of Ossining, in the county of Westchester, contained in the following bounds, that is to say: Beginning at the Hudson river near where a run of water on the land of Benjamin Brandreth empties into the Hudson river north of Sing Sing, from thence eastwardly on a straight line to the house owned and occupied by the widow Barrett, and including said house; thence southwardly on a straight line until it intersects the Highland Turnpike road on the south line of land late of James O. Hale, from thence westwardly on the south line of the State farm to the Hudson river, and thence northwardly along the said river to the place of beginning. The corner and distances of said boundaries are as follows: Beginning at the Hudson river at a point in the westerly exterior line of the lands of the Hudson River Railroad Company, distant four hundred and fifty-four feet southerly from the center of the space between two pairs of grooves (known as Indian marks), cut in the rocks on the point of land lying westerly of said Hudson River railroad, and belonging to Virginia Graham Brandreth. From said point of beginning running south eighty-six degrees seventeen minutes east by the present magnetic bearing (A. D. eighteen hundred and seventy-two), passing eighty-seven and one-third feet northerly from the center of a culvert in said railroad, being the outlet of the brook known as Brandreth brook, two hundred and ninety* six-tenths feet to a stone monument, where said Brandreth brook formerly emptied into the Hudson river, said monument being one hundred and two feet and one inch on a course south eighty-four degrees and twenty-five minutes west from the south-west corner of the brick building now occupied as a manufactory of porous plasters; from said monument continuing south

* So in the original.

eighty-six degrees and seventeen minutes east by the present magnetic bearing (A. D. eighteen hundred and seventy-two), six thousand four hundred and one and a-half feet touching the north-west corner of the old Barrett house, now owned and occupied by Samuel Kipp, and extending beyond said corner of said house to a stone monument at a point distant ninety feet north-easterly from the north-east corner, and thirty-six feet north-easterly from the south-east corner of said house; thence by the old bearings south thirty-five degrees and thirty minutes west one hundred and eleven chains and eighty-five links; thence west by the State farm to the Hudson river, thence along the said river to the place of beginning, shall hereafter be known and distinguished as the "village of Sing Sing," and the inhabitants residing within the bounds aforesaid shall hereafter be a body corporate and politic by the name and style of the "president and trustees of the village of Sing Sing," by which name they and their successors may sue and be sued, complain and defend, answer and be answered unto all courts and places whatsoever, and in all manner of actions, causes and * and complaints whatsoever. Name.

§ 2. The said trustees may adopt and use a common seal, and alter it at pleasure, and take, hold, purchase, sell, assign and convey any personal and real estate, as the purposes of the corporation may require. Seal.

§ 3. The officers of said village shall consist of a president and nine trustees, one clerk, one treasurer, one collector and such other officers as are hereinafter named, all of whom shall be inhabitants and residents of said corporation qualified to vote under this act. And the said president, trustees, treasurer and collector shall be freeholders and residents within the limits of said corporation and shall be elected in the manner hereinafter provided, and when the said president, trustees, treasurer and collector, or either of them, shall cease to be a freeholder or a resident within the said corporate limits, the office they hold shall become vacant and they shall cease to be such president, trustees, treasurer or collector, and the said board shall, upon said office becoming vacant as aforesaid, or from any other cause, proceed to appoint a qualified person to fill such vacancy, who shall hold such office until the next annual charter election thereafter, when there shall be an election to fill the unexpired term of such office made vacant as aforesaid. Officers. Qualifications. Vacancies.

§ 4. The said clerk of said board of trustees and the other officers hereinafter named shall receive such compensation for their services as shall be determined by said board of trustees. But the president and trustees shall receive no compensation for their services under this act. Compensation.

§ 5. Every person residing in said village who shall have been a resident thereof for thirty days previous to any election under this act and possessing the qualifications prescribed by the constitution to authorize him to vote for elective officers, may vote at any election held in pursuance of this act; but no person shall vote upon any proposition to raise a tax, or appropriate the same, at any meeting or election, unless he shall at the time be a freeholder within said corporate limits, or shall have been assessed for a village tax on the last assessment roll of the said corporation, other than for highway labor. Voters.

§ 6. The time of holding the annual election for trustees and other officers of the village of Sing Sing is hereby changed from the first Annual election.

*So in the original.

Tuesday in March to the first Tuesday in April in each and every year; and the first election under this section shall be held on the first Tuesday in April, eighteen hundred and sixty-six, and the trustees and officers of said village whose official terms expire on the first Tuesday in March, eighteen hundred and sixty-six, eighteen hundred and sixty-seven, and eighteen hundred and sixty-eight, may continue to hold such offices respectively until the first Tuesday in April, in the year in which said terms shall expire, or until others shall be elected in their places.

Term of office.

§ 7. The term of office, with the exception of the trustees, of the officers to be elected in pursuance of the last aforesaid section shall expire in one year from the Tuesday next succeeding their election, and the term of office of the several officers elected under this act with the exception of the trustees shall commence on the Tuesday next succeeding their election. All laws relating to general elections for State officers, as far as the same shall be applicable, shall be deemed to apply to all elections authorized by this act; and the inspectors of all elections under this act shall have the same power and authority in all respects, as near as may be, as inspectors of elections in towns possess, and the said trustees shall be inspectors of election of all elections held under this act.

Terms of office of trustees

§ 8. Nine trustees shall be elected the first year, three of whom shall serve for one year, three for two years, and three for three years. Within eight days after the first election, the trustees elected shall meet at the corporation hall of said village, and there, in the presence of the president and clerk, shall determine which three of their number shall serve for one year, which three for two years, and which three for three years; and thereafter three trustees shall be elected in each year. All other officers, except the said president, trustees, treasurer and collector, shall be appointed by the said board of trustees, and shall hold their offices during the pleasure of the said president and trustees. All elective officers under this act shall be elected on one general ticket, said ticket to be indorsed "charter officers." The polls shall be open at twelve noon, and close at sunset on any day at which an election shall be held under this act.

Official bonds.

§ 9. The treasurer, police constable and collector shall severally, before they enter upon the duties of their respective offices, execute a bond to the president and trustees of the village of Sing Sing, their successors and assigns, in such sum and with such sureties as the board of trustees shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over, according to law, all moneys received by them respectively, which bond, with the approval of the board of trustees thereon, certified by the clerk, shall be filed with the clerk of the village.

When offices to be deemed vacant.

§ 10. If any person, who shall have been duly elected or appointed to any office in said village in pursuance of this act, shall fail to accept such office (in writing to be filed with said clerk) within five days after personal notice, in writing, from the said clerk of his election or appointment, the said office shall be declared vacant, and shall be filled as hereinbefore mentioned.

Penalty for not delivering books, etc., to successor.

§ 11. If any person, having been an officer in said village, shall not, within ten days after notification and request, deliver to his successor in office all the books, papers, property and effects of every description in his possession, belonging to said village, or appertaining to his office, he shall forfeit and pay, for the use of the said village, fifty dollars, besides all damages caused by his neglect or refusal so to deliver.

§ 12. The president shall be the executive officer of the village, and shall have power to call special meetings of the trustees when he shall think proper, or when requested so to do by any two of the trustees; shall preside at all meetings of said trustees, to give a casting vote on any question on which the votes of the trustees are equally divided; shall appoint all standing committees and other committees of said trustees, as he shall be required to do by any ordinance or resolution of said trustees; to sign, as such president, all by-laws, rules, regulations, ordinances, orders, bonds, appointments, deeds, covenants and contracts made by the trustees in behalf of said corporation, in all cases where, in his judgment, such instruments are not inconsistent with the provisions of this act; to see that all by-laws, rules, orders, regulations and ordinances, lawfully made by the trustees, are carried into effect and duly executed; to give the proper notice of every annual or special meeting of the inhabitants of said village, held under the authority and for the objects specified in this act; to preside at all such meetings thus convened; to collect, or cause to be collected, all fines, penalties and forfeitures incurred under this act, or any rule, by-law, order, regulation or decision made in pursuance thereof, by suit or otherwise, and to commence and prosecute all such suits in the name of the corporation, as shall be ordered or directed by the trustees; to pay all moneys that shall come into his hands for the use of the said corporation to the treasurer thereof, and to take his receipt therefor; to sign and direct the payment of all accounts and demands against the said corporation that have been audited and allowed by said trustees, and all other legal drafts and demands upon the treasurer of said village, and to do all such other acts and things as may appertain or belong to the duties of such presiding officer, or which the said trustees may legally require him to do. President, powers and duties of.

§ 13. The clerk shall attend and act as clerk at all meetings and elections of the inhabitants and trustees, record their proceedings, keep all books and papers, and the seal of the corporation, and deliver the same to his successor on demand, and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced; and for certifying the same, shall be entitled to receive six cents per folio from the person requiring the same. The books and papers under his custody and control shall always be produced for inspection to any person that may be interested therein. He shall attend to the publication of by-laws, rules, ordinances, and notices which the trustees shall direct; notify all persons of their election or appointment to office under this act, and perform such other duties as the trustees may, from time to time, lawfully direct. And shall furnish the treasurer of said village immediately after each meeting at which any drafts have been ordered upon the treasury a list of the names and amounts of such drafts, and to what fund charged and payable from. Clerk, powers and duties of.

§ 14. The clerk shall keep a poll-list of the names of all persons voting at any election of officers of said corporation, and in case of his absence from any meeting of the inhabitants of said village, authorized by this act, or of said trustees, such person as shall be chosen or appointed therefor by the trustees shall on such occasions perform the duties appertaining to such clerk. Poll-lists.

§ 15. The treasurer shall receive all moneys directed to be paid into the treasury of said corporation, and pay out the same, and shall render Treasurer, powers

and duties of. an account of the state of the finances to the trustees whenever ordered by them; and shall deliver all moneys, books, papers and property of the corporation, in his hands, to his successor in office on demand; no money shall be paid by the treasurer for any purpose unless directed and appropriated by a previous vote of the trustees, with a check of the clerk, countersigned by the president of the said village, for the time being; and the treasurer, in his settlement with the trustees, shall be allowed for no moneys, except such as are paid out as above, and shall receive for his compensation one per cent on all moneys paid out by him, except moneys paid by him to his successor in office, which compensation shall be ordered paid by said trustees, on inspection of his accounts, if the same is found correct.

Statement of accounts. § 16. It shall be the duty of the treasurer, in each and every year during the period in which he shall hold such office, to make a statement of his accounts, including all moneys received by him, and the manner in which he has expended or disbursed the same, which statement shall be verified by his oath, and submitted to the trustees or the finance committee of said board of trustees, which said statement and report of said finance committee shall be published in two newspapers published in said village (to be designated by said board) two weeks preceding each annual election.

Officers, appointed by trustees, duties of, etc. § 17. All officers authorized to be appointed by the trustees under this act shall perform such duties as shall be required of them, respectively, by this charter and the by-laws, rules, resolutions, regulations and ordinances of the corporation. All appointments by the board of trustees under this act shall be in writing and attested by the corporate seal, and signed by the president or presiding officer of the board of trustees, and the clerk. In case of a failure to elect a president or trustees at an annual election, or if from any cause there shall be no president or trustees, the clerk shall appoint the time and place for holding a special election, and give notice thereof in the usual manner, and appoint the inspectors of elections. And in case there shall be no president, trustees or clerk, any six inhabitants, qualified to vote under this act, shall appoint an election and inspectors thereof in the usual manner, and no person shall hold more than one office, either elective or by appointment, under this act.

Special election.

Official oaths. § 18. All officers elected or appointed under this act shall, before entering upon the duties of their respective offices, take and subscribe the oath or affirmation of office prescribed by the constitution of this State. Such oath or affirmation may be taken before the president of the village or any other person authorized to administer oaths, and the officer administering such oath shall not be entitled to receive any compensation therefor, and such oaths shall be filed with the clerk of the village.

Management of finances, etc. § 19. The trustees shall have the management of and control of the finances, and of all the property, both real and personal, belonging to the corporation, and shall have power and authority within the village to make, establish, publish, alter, modify, amend and repeal the rules, resolutions, regulations, ordinances and by-laws, for the following purposes, viz.:

By-laws.

Prevention of vice. 1. To prevent vice and immorality; to preserve peace and good order; to quell and prevent any noise, disturbances, riots and disorderly assemblages or meetings; to restrain and suppress disorderly houses, houses of ill-fame, gaming houses and instruments and devices for the purpose of gaming.

2. To regulate auction sales.

3. To prohibit or regulate the rolling of hoops, playing at ball, flying of kites, sliding down hill on sleds, or any other amusements or practices having a tendency to annoy persons passing on streets or sidewalks, or to frighten or interfere with teams or horses in said village; and to regulate or prevent the firing of guns, pistols, fire-arms, and the use or firing of crackers, rockets, squibs and fire-works in said village. Rolling hoops, etc.

4. To regulate or determine the time and place of bathing in any of the waters within the corporate bounds of said village, or adjacent thereto, and to prevent the same. Bathing.

5. To restrain the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceedings, and to appoint one or more persons to drive any of the aforesaid animals so running at large to the pound, and to determine their fees and duties; to establish and regulate public pounds; to appoint pound-keepers, and to prescribe their powers and duties, and to regulate and prevent the running at large of dogs owned by persons residing in the said village. Cattle running at large.

6. To prevent horse-racing, immoderate riding or driving within the limits of said village, and to authorize the stopping of anyone who shall be guilty of such immoderate riding or driving in said village. Horse racing, etc.

7. To prevent and remove all incumbrances, obstructions and encroachments, from any cause whatever, upon the public streets, alleys, bridges, public squares or grounds, sidewalks or crosswalks of said village, and to cause the same to be removed and the streets to be cleaned; and to prevent riding, driving or leading horses, teams or cattle, with or without wagons, sleighs or carriages, on any sidewalk in said village. Obstructions, etc., in streets.

8. To compel all persons to keep and remove snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them. Snow, etc., removal from sidewalks.

9. To compel the owner or occupant of every grocery, cellar, tallow chandler shop, soap factory, tannery, stall, privy, sewer, slaughter-house, or other unwholesome house or place, to cleanse, remove, abate or discontinue the same whenever the same may be necessary for the health, comfort or convenience of the inhabitants of said village. Soap factories, etc.

10. To regulate slaughter-houses, to direct or prevent the use or location of the same, and to abate nuisances generally. Slaughter houses.

11. To regulate the keeping and conveying of gunpowder and other combustible and dangerous materials. Gunpowder.

12. To regulate the ringing of bells, to erect hay scales in said village, and to appoint an examiner of weights and measures. Ringing of bells.

13. To sanction or prohibit, in their discretion, all exhibitions of any natural or artificial curiosities, caravans of animals, circuses, theatrical and other shows or exhibitions, or performances for money, within the bounds of said corporation. The said trustees, or a majority of them, may license any such exhibition or performance on payment, for the benefit of said corporation, of not less than five nor more than twenty dollars. But nothing in this section shall be construed to prevent the delivery of literary, historical or scientific lectures in said village, the use and exhibition of apparatus illustrating the same, and the receiving money for the same, nor shall any license be required for the delivery of such lectures. Exhibitions.

Hawking and peddling.

14. To regulate the sale of goods, wares and merchandise, by non-residents and others, in hawking or peddling by vehicles or otherwise, of goods, wares and merchandise in or upon the public streets or highways of said village, and to prescribe and establish a fee to be paid therefor, but this shall not apply to persons selling or disposing the produce of their own farms, or to the selling or peddling of milk.

Signs, etc.

15. To cause to be removed all overhanging signs, awnings and awning posts from the sidewalks and streets in said village, and to prevent the deposit of any garbage, ashes, decayed vegetables, fish, oyster or clam shells, or any other matter upon any of the sidewalks, streets or alley-ways within said village, and to compel the owners of lands in said village to cut down and remove all growing grass and weeds upon the sidewalks and gutters adjoining, and opposite the lands owned by them.

Boundaries of streets.

16. To survey the boundaries and streets of said village from time to time, establish the same and make a map thereof, and to cause the same to be named, numbered and renumbered, and cause sign boards with the name or number of street to be erected.

Fire limits.

17. To have the power to establish fire limits in said village, and to forbid by resolution or ordinance the erection of any wooden building or structure within said village adjoining the streets and highways in said village.

Grade, etc., of streets.

18. To grade, pitch, level and repair, construct, make, amend or relay (or cause the same to be done), any street, lane, alley, road or highway, sidewalks, bridges, drains, sewers or aqueducts, either with plank, stone, brick, dirt or gravel, as said trustees may determine, and to provide for the planting or setting and protecting ornamental or shade trees in any public squares, grounds or street in said village, and to regulate the tapping of sewers, reservoirs and gas mains, and the tearing up of pavements and road-beds in the streets of said village.

Police constable, powers and duties of.

§ 20. The trustees shall appoint a competent and suitable person to officiate as police constable, who shall hold his office during the pleasure of said trustees. It shall be the duty of said police constable to serve all papers and processes for or on account of the said trustees, or appertaining to the said corporation; to arrest all disorderly persons or disturbers of the public peace; to see that the rules, regulations and by-laws of the said trustees in relation to the police, and the regulation of the affairs of said corporation, are duly observed and enforced; to attend at fires, and any other unusual assemblages; to preserve order and to protect property; to use his utmost endeavors at all times to prevent or quell all riots at any and every unlawful proceeding, and to do and perform all such other acts and duties consistent with his office, which the president or trustees may direct, for which said service he shall receive such compensation as the said trustees may allow. And the said police constable is hereby authorized and empowered to serve processes issuing from the courts of justices, and to perform the other duties pertaining to the office of a constable in the county of Westchester, the same as other constables elected by the people in the respective towns may do, and with like effect, and for which he shall receive the same fees allowed by law to others for similar services.

Meetings of board of trustees.

§ 21. The trustees shall hold a meeting of their board for the transaction of public business on the first Tuesday in every month, at which the president shall preside. In the absence of the president they shall appoint one of their number to perform his duties. A majority of the trustees shall constitute a quorum for the transaction of business, and

no contract or obligation on the part of said board of trustees shall be binding or have any legal effect whatever against the said village of Sing Sing, unless such contract or obligation shall receive the affirmative vote of at least five trustees of the said board in favor of said contract or obligation.

Ordinance, etc.

§ 22. The trustees of said village may make, publish, ordain, amend and repeal all such ordinances, by-laws, and public regulations not contrary to the laws of this State, as may be necessary to carry into effect the powers given to said trustees by this act, and to enforce observance of rules, regulations, resolutions, ordinances and by-laws made in pursuance of all this act, by imposing penalties on any person or persons, or corporations violating the same, not exceeding in any one case or violation, fifty dollars, to be recovered with the costs in a civil action, by summons or civil warrant, in any court having cognizance thereof. Every such ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions shall, after the passage thereof, be subscribed by the president and clerk, and published two weeks successively in any newspaper printed in said village, and proof of such publication, by the affidavit of the printer or publisher of said newspaper, taken before the president of said village, or any officer authorized to take oaths, and filed with the clerk of said village, or any other competent proof of such publication, shall be evidence of the legal publication of such ordinance or by-law in all courts and places.

Duties of officers.

§ 23. The trustees shall have power, from time to time, to prescribe the duties of all officers and persons appointed by them under this act, subject to the provisions of the same, and may remove all such persons so appointed at any time, and to exercise all other powers conferred on them by this act for any purposes whatever.

Attorney.

§ 24. The trustees shall have power to appoint or employ an attorney or attorneys or counsel for the prosecution or defense of any suit or proceedings by or against the village, or the transaction of any business of the village requiring their professional skill, or who shall perform such duties as the board of trustees may, from time to time, direct, and who shall hold such position during the pleasure of said board.

Sewers.

§ 25. The said board of trustees shall have the power to construct or cause to be constructed main or trunk sewers in and through the streets, alleys and lanes of said village of such material and of such dimensions as they shall determine necessary to carry off the drainage and sewerage* thereof, and to regulate and maintain the same. The cost and expense of the construction, regulation and maintenance whereof shall be assessed upon the real property that is, or may be, benefited thereby, and in proportion to such benefits, and the said trustees are hereby empowered to ascertain, determine and declare by resolution, ordinance or otherwise, the property to be benefited by the construction of said main or trunk sewer and the amount thereof, in proportion to such benefits, and to assess after such determination the real property thus benefited, or to be benefited thereby, the proportionate cost thereof.

Lateral sewers.

§ 26. To construct or cause to be constructed lateral sewers in and through the streets, alleys and lanes of said village, of such materials and of such dimensions as they shall determine necessary, and to regulate and maintain the same, the expense of the construction, regulation and maintenance whereof shall be assessed upon the real property that is, or may be, directly benefited thereby, and in proportion to such benefits; and the trustees are hereby empowered to ascertain, de-

* So in original.

termine and declare by resolution, ordinance or otherwise, the property to be benefited by the construction of said lateral sewer, and the amount thereof in proportion to such benefits, and to assess after such determination the real property that is, or may be, benefited thereby, the proportionate cost thereof.

Reservoirs, etc.

§ 27. The said trustees shall have the power to construct and regulate reservoirs, hydrants, water-pipes, public pumps and wells, and other public improvements, the expense whereof shall be assessed upon the real property that is, or may be, benefited thereby, and in proportion to such benefits, and the said trustees are hereby empowered to ascertain by resolution, ordinance or otherwise, the property to be benefited by such public improvements, and the amount thereof in proportion to such benefits, and to assess after such determination the real property thus benefited or to be benefited thereby, the proportionate cost thereof.

Titles to lands for drainage purposes.

§ 28. Whenever it shall be necessary to acquire private lands for the purpose of securing and constructing drainage for any portion of said village, the trustees are hereby empowered to acquire the same in like manner and by like proceedings as is now provided by this act, or by general statute for the laying out of public and private roads, and of the alteration and discontinuance thereof, but the taking of any such private property for sewerage purposes shall not exempt the owners of adjacent lands from after assessments for any benefits deemed to have accrued by the construction of any such sewers, and all damages to be paid for the taking of such private property shall be added to the cost of making and laying such sewer.

Notice to owners of property benefited by sewers.

§ 29. The said trustees shall cause public notice to be given to the owners of all real property that is, or may be, benefited by the construction of said sewer or public improvements, to appear at a time and place mentioned in said notice, and be heard before such final determination and assessment shall be made by said trustees. Said public notice shall be published in two newspapers published in said village for two successive weeks before the time for such final determination and assessments; provided, however, that no such main or lateral sewer, or other public improvements mentioned aforesaid, shall be made or constructed except upon the petition of one-half of the owners of the real property thus to be assessed, in writing, to said board of trustees.

Assessments, how collected.

§ 30. And all assessments for the construction of said sewers, and other public improvements, when made, shall be enforced and collected in the manner provided by section forty-one of this act.

Trustees may raise money by tax for purposes named.

§ 31. The trustees are authorized and empowered to raise money by tax, to be assessed upon the estate, real and personal, within the bounds of the said corporation, and to be collected from the several owners and occupants thereof, for the purchasing of any real or personal property for the use of said village, and to defray the ordinary and contingent expenses of the said corporation, embracing the working of streets and highways, lighting streets, and all expenses pertaining to said village, except such as shall be levied and assessed upon property owners and holders for any local improvement, who shall be benefited thereby, as herein provided; but no tax shall be levied or collected to an amount exceeding ten thousand dollars in any one year, unless such further or additional tax shall have been authorized by a vote, by ballot of a majority of the taxable inhabitants of the village, qualified to vote under this act, present at any election or at any special meeting, duly called for the purpose, and in all cases the voters voting

Limitation.

in the majority to authorize such additional tax shall not be less than one hundred and fifty; the object of such tax, and the additional amount to be raised, shall in all cases be specified upon such ballot; and no board of trustees shall hereafter make any contracts or engagements with any person or persons in any one year, for any greater amount or amounts in the aggregate, than shall be levied by them under and in pursuance of this act.

How apportioned.

§ 32. Whenever any tax shall have been directed to be levied, the trustees shall apportion the same among the taxable inhabitants and corporations of the said village, and the non-resident owners of property therein, in conformity, as nearly as practicable, with the provisions of law in respect to the assessment of taxes by town assessors; and when the assessment rolls shall have been reviewed and completed, it shall be the duty of the trustees immediately thereafter to deliver the same to the village collector, with their warrant, under the hands of a majority of them, to be directed to said collector commanding him to levy and collect the amount of such tax in the same manner as warrants issued by the board of supervisors to the collectors of towns, and to make return thereof and to pay over the money to the treasurer within thirty days after its receipt by the said collector of the village.

Tax warrant.

Renewal of.

§ 33. It shall be lawful for said trustees to issue new warrants, or to renew those which may be issued by them or their predecessors, for the collection of any tax from time to time, so often as such warrants shall be returned uncollected, in whole or in part, during the time prescribed by this charter; but the renewing of any such warrant shall in no way affect the liability of the collector, or the sureties upon the bond of such collector.

Collector's fees.

§ 34. The collector shall proceed to collect the amount of such tax, together with the fees or compensation for his services, at the rate and in the manner following: Upon the receipt of such warrant he shall give at least five days' notice, by publishing a notice in a newspaper in said village, and posting at least three copies of the same in three public places in said village, of the time and place, within two weeks after the receipt of said warrant, where he will sit at some place in said village for three consecutive days, and receive the taxes aforesaid; upon which taxes being so paid within the said three days, he shall be entitled to and receive one per centum for his commissions for collecting the same, and for all taxes collected thereafter he shall be entitled to receive a commission of five per cent; and in all cases where he shall collect such taxes under a renewal of any such warrant, he shall be entitled to and receive a commission of ten per centum, and after deducting his said fees or compensation, he shall pay the residue to the treasurer of the village within thirty days from the receipt of said warrant by him (who shall give the collector a receipt for the same), and file the treasurer's receipt therefor with the clerk, together with his warrant and the tax list annexed thereto, and the money, when collected and paid to the treasurer, shall be applied by the treasurer for the purpose for which such assessment was made under the direction of the said trustees.

Proceedings in case of neglect to pay tax.

§ 35. Whenever any person or corporation upon whose property shall have been assessed, pursuant to the provisions of this act, any tax, shall neglect or refuse to pay the same, and no personal property can be found whereon the same can be levied, the collector shall make return thereof to the trustees, who are authorized to cause the land or estate on which such tax is assessed to be sold at public auction for a term of time for the payment of such tax, giving six weeks' notice of such

sale by advertising in any newspaper published in said village, which notice shall contain a brief description of the premises, the amount of tax, requiring the owner or owners to pay the same by a day therein specified; and if such tax be not paid at the time and place specified in such notice, the real estate so advertised shall be sold, under the direction of the trustees, by the collector or some other person for that purpose appointed by the trustees, to the person who shall offer to take it for the shortest term for the payment of such tax, and the interest thereof, and the expenses of such notice and sale; but no such sale shall be made for a longer term than five years. The proceedings shall be discontinued at any time before sale, upon any person paying to the village treasurer the amount of such assessment with the interest and the printer's bill; and if the premises are sold, one dollar in addition to the interest and printer's bill may be charged for the expenses of such sale; and if the premises are not redeemed within one year from such sale, the trustees shall execute to the person or persons entitled thereto a lease of the premises so sold, under the corporate seal, and signed by the president for the time being, for the term for which the same were sold, to be computed from the expiration of one year from the day of such sales, which lease shall be presumptive evidence that such tax was legally imposed, and the regularity of the proceedings and sale, for which the trustees may charge the sum of one dollar on delivery thereof to the purchaser; and such lessee or lessees, his heir, or their legal representatives or assigns may, by virtue of such lease, obtain possession of said premises in the manner prescribed by law in relation to persons holding such real estate sold under execution, and shall and may lawfully enjoy such premises during the term specified in such lease against the owners thereof, and all persons claiming under them, and shall be at liberty, within thirty days after the expiration of said term, to remove all buildings and fixtures put on said premises during the said term in the right of such occupancy; certificates of such sale may be issued under the corporate seal, signed by the president, setting forth the facts and circumstances of said sale, and the time at which such purchaser will be entitled to such lease, and delivered to such purchaser.

To be discontinued on payment of tax, etc.

Lease.

Person in possession liable for tax.

§ 36. The person or corporation in possession, as tenants, of any real estate shall be liable to pay the taxes assessed thereon, and shall have the right to collect the amount of the owner, unless oy agreement the occupant is bound to pay the same.

Hacks to be licensed.

Fees for license.

§ 37. Every person who shall, within the corporate limits of the village of Sing Sing, be engaged during any part of the year as owner, proprietor or agent or employee in running any hack or carriage, or team drawn by two or more horses, mules or oxen, shall be liable to pay a license tax to the president and trustees of said village, of five dollars, and the further sum of five dollars for every such additional hack, carriage or team for carrying passengers or freight, and every person engaged as aforesaid during any part of the year, as owner or agent or employee in running any truck, hack, carriage or wagon drawn by one horse or mule for carrying freight or passengers for hire, shall be liable to pay to the president and trustees aforesaid a license tax of two dollars and fifty cents, and the further sum of two dollars and fifty cents for every such additional truck, carriage, hack or wagon, for conveying freight or passengers as aforesaid, which license tax shall be collected under the direction of said trustees, and shall be applied and appropriated by them to the working and repairing of the streets and bridges in said village, and the said trustees are

Collection of.

hereby authorized to bring suit in the name of said village against any and all persons who shall become liable to pay said tax, in any court having jurisdiction of the subject-matter, and in case an execution issued on a judgment obtained in said suit cannot be collected from the property of the person liable to pay the same, then said person shall be liable to be imprisoned in the county jail for a term not exceeding fifteen days, upon said execution, or be discharged according to law.

Separate road district

§ 38. The said village is hereby declared a separate road district, exempt from the superintendence of the commissioners of highways of the town of Ossining, and the trustees of said village shall be commissioners of highways for the same, and for such purposes shall possess and have all the powers possessed by commissioners of highways of towns under article fourth of title first, chapter sixteen, and part first of the Revised Statutes, entitled "of the laying out of public and private roads, and of the alteration or discontinuance thereof," and section sixty-nine of the said title first shall not apply to the said trustees in laying out streets or highways under this act, but said trustees shall have power to lay out and open streets in said village, and alter or widen any streets, alleys, lane or highway in said village, through any orchard or garden, although such orchard be of the growth of four years or more, and such garden shall have been cultivated for four years or more, or through any buildings or any fixtures or erections for the purpose of trade or manufacture, or any yards or inclosures necessary to the use or enjoyment thereof, without the consent of the owner or owners, provided the necessity thereof is certified to by the oaths of twelve reputable freeholders, in the manner required by said article fourth for the laying out of highways through inclosed, improved or cultivated land; and in all cases of laying out, making and opening streets in said village, and altering, widening or discontinuing any street, alley, lane or highway in said village, the trustees shall conform to the provisions of the said article fourth, so far as the same can be made applicable thereto; and all the provisions of the said article fourth, for ascertaining and settling the damages done to land-owners by reason of the laying out and opening highways, shall apply to all proceedings under this act for laying out, opening and widening any streets, lanes, alleys or highways in the village of Sing Sing; and whenever any street, alley, road or highway is laid out, altered or widened by virtue of this act the damage arising to property-holders by reason thereof, and the expense of such laying out, altering or widening of any such street, alley, road or highway shall be assessed upon the property of the town of Ossining, and paid in the same manner as is now provided by law for paying the damages and expenses of highways laid out in that part of said town of Ossining not included in said village. And appeals may be taken from the action of the said trustees in laying out any street, alley, lane or highways, or in altering or widening the same, and from the action of said trustees in refusing to lay out any street, alley, lane or highway, in the same manner as appeals are now taken from the action of commissioners of highways, and such appeals shall be conducted in the same manner as is provided by said article fourth of title first, chapter sixteenth of part first of the Revised Statutes.

Proceeds for laying out and opening of streets.

Appeals.

Work to be done by contract.

§ 39. All permanent public improvements to the streets, highways, bridges, reservoirs, sewers, public wells or cisterns, or any other public improvement where the cost thereof shall, upon proper estimate given, exceed the sum of five hundred dollars, shall be done and performed by contract, to the lowest bidder therefor; provided, however,

nat the trustees may reject any bid not considered to be to the interest of the said village to receive, and the person or persons to whom said contract shall be awarded shall enter into a bond with said trustees to be approved by them in a certain sum of money on a penalty for the faithful performance of such contract. But such public improvements shall not apply to the ordinary work and repair of streets, highways or bridges.

Streets to be surveyed, etc.

§ 40. The trustees shall cause all streets, alleys, lanes or highways laid out by them to be surveyed, described and recorded in a book to be kept by the clerk of said village, and the said streets, alleys, lanes or highways when opened and worked shall be public highways.

Sidewalks, building of, etc.

§ 41. It shall be the duty of the owner and occupants of lots bounding on any of the streets in said village, to construct, relay and keep in repair the sidewalks opposite their respective lots, in such time and manner, and of such material as the trustees may, by a by-law, resolution or ordinance for that purpose direct; and if any such owner or occupant shall refuse or neglect to construct, relay or repair the sidewalks opposite the lot or lots owned or occupied by him as aforesaid, when so directed to do by the trustees as aforesaid, then, in either case, it shall be lawful for the trustees to cause such sidewalks to be so constructed, relaid or repaired for and on account of the owner of such lots, and such owner shall be liable to pay the expense of such repair, relaying or construction; and all sums expended upon the sidewalk, after being audited by the trustees, by a vote of their board, shall thenceforth be an assessment or tax to the amount so expended upon every such lot; and thereupon it shall be lawful for the trustees to issue to the collector their warrant, returnable in thirty days, for the collection thereof of the goods and chattels of the person liable to pay the same, and if such warrant shall be returned unsatisfied in whole or in part, to advertise and sell such lot in the manner prescribed in sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six of this act, as in cases of sale for non-payment of taxes; and the purchaser or purchasers, owner or owners, and his, her or their legal representatives shall have the same rights and privileges as are given to them respectively in and by said title.

Lessees may recover expense of walks from owner.

§ 42. Whenever the occupant or lessee of any real estate in said village shall have been required, as above provided, to make, repair or construct any sidewalk, he may recover the expenses incurred therefor of the owner of such lot, or set off the amount thereof against the claims for rent of the owner or owners of said premises.

Cases in which trustees shall build walks, etc.

§ 43. Whenever any sidewalk shall be required to be made or repaired upon or adjoining any unoccupied lot of land, all the owner or owners of which shall be non-residents of said village, or unknown, and such owner or owners shall neglect or refuse to construct or repair, after notice of such requirement shall have been published in any newspaper printed in said village for six weeks successively, it shall be the duty of the trustees to construct or repair such sidewalk for and on account of such owner or owners, the expense of which shall be a lien or charge upon such lot, for which such lot may be advertised and sold in the same manner and with the same effect as is provided in this act in cases of sales for non-payment of taxes.

Service of notice in case of joint owners.

§ 44. Whenever any real estate in said village is owned by two or more persons jointly, or as tenants in common, a notice served on one such person shall be sufficient notice to all for any purposes requiring a notice under this act; and whenever the said owners shall reside out

of the county of Westchester, it shall be sufficient to serve such notice on the occupant or lessee of such real estate.

Investigation in case of buildings maliciously set on fire.

§ 45. The said president and board of trustees shall have the power to investigate, and shall cause to be investigated whenever it shall appear by the request of any of the said trustees in writing, or other person, to the president of said board of trustees, that there is ground to suspect or believe that any building within said corporate limits has been maliciously set on fire, or attempted to be set on fire, the said president shall proceed to investigate the same and for such purpose he shall possess all the powers conferred upon the sheriff, deputy sheriff or coroner, under and by virtue of chapter three hundred and thirty-two of the laws of eighteen hundred and fifty-two of the State of New York, and chapter five hundred and four of the laws of eighteen hundred and fifty-seven of the State of New York, entitled "An act to provide for an investigation into the origin of fires in certain cases."

Chimneys, stove-pipes, etc.

§ 46. The trustees shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves and stove-pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places; and to require the inhabitants of said village to provide so many fire-buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in times of fire; to authorize the fire wardens or other officers of the village to keep away from the vicinity of any fire all idle or vicious persons, and to compel all persons to aid in the extinguishment of fires and the preservation of property exposed to damage thereat, and generally to establish such regulations for the prevention or extinguishment of fires as they may deem expedient, and to compel owners of premises to keep the same safe from accidental fires.

Fire engines, etc.

§ 47. The trustees shall procure fire engines and other apparatus used in the extinguishment of fires, and have the charge and control of the same, as herein provided, and shall provide fit and secure engine-houses or other places for keeping and preserving the same; and shall provide by suitable by-laws for the organization of all engine, hook and ladder, hose and other fire companies in said village, which shall be composed of residents of said village not under eighteen years of age, and shall prescribe the duties of firemen, and make rules and regulations for the government of the fire department in said village. The members of the several engine, hook and ladder, hose and other fire companies in said village, when organized in pursuance of this section, shall have power to elect a chief engineer, and two assistant engineers; said election to be held at such times and in such manner as the trustees shall prescribe by resolution or ordinance; which chief engineer, and in his absence the said assistant engineers, shall at all fires have exclusive charge, direction and control of the fire companies and all apparatus appertaining thereto in said village, and at all other times the said fire department shall be under the direction of the chief engineer, subject, however, to the by-laws, orders and directions of the board of trustees of said village; and the said board of trustees shall have power to remove the said chief engineer and assistant engineers for any misconduct in office, after specification of such misconduct shall have been made in writing and served upon them, and they shall have had ten days' notice to be heard before said trustees in their defense, which removal shall be by a resolution of the board of trustees, which shall be entered in the minutes of their proceeding, and

Election of chief engineer.

Powers of.

Removal of.

served upon the person so removed; and after such removal it shall be the duty of the clerk to give six days' notice of a new election to fill the vacancy occasioned by such removal, and the person elected in pursuance of such notice shall fill such office during the unexpired term of the person so removed.

Fire wardens.

§ 48. The trustees shall be fire wardens, and shall have power, from time to time, to appoint such other fire wardens as they may deem necessary, and to prescribe their powers and duties, not inconsistent with this act.

Firemen, exemptions of, etc.

§ 49. The firemen enrolled by virtue of this act shall, during their term of service as such, be exempted from serving on juries and in the militia, except in case of war, invasion or insurrection; and a service of five years as such firemen shall forever exempt them from such jury or militia duty, excepting as aforesaid. The name of each fireman so enrolled shall be registered with the clerk of the village, and the evidence to entitle him to the exemptions provided in this section shall be the certificate of the said clerk, countersigned by the president of the village.

Firemen.

§ 50. The present firemen of the village of Sing Sing, who are now inhabitants and residents of said village, shall continue to be firemen thereof as long as they remain such residents and inhabitants, subject to the provisions of this act, and the said trustees shall have power to strike from the roll of firemen, all firemen who shall be reported by their respective companies as having been expelled therefrom for violation of by-laws or rules of said companies or for any other cause. But before such final action by said trustees, the said fireman shall be notified thereof and be heard in his defense before such final action shall be taken thereon.

Examinations of chimneys etc.

§ 51. To enter, and authorize others to enter, in the day-time, when it shall be necessary so to do, into any building in the said village, in which shall be a fire-place, chimney, stove or stove-pipe, for the purpose of examining the condition of the same, and to make such regulations in regard thereto as a proper security against fires shall, in their judgment, require.

Actions to recover penalties.

§ 52. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, rules, resolutions or regulations made in pursuance of it, shall be brought in the corporate name, and in such actions it shall be lawful to declare or complain generally for such penalty or forfeiture, stating the section of this act or by-law, ordinance, rule, resolutions or regulations under which the penalty or forfeiture is claimed, and briefly setting forth the violation thereof for which the complaint is made. The process in any such action brought before a justice of the peace may be by summons or civil warrant, and execution may be issued immediately thereon, on the rendition of judgment. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in said village, in any action or proceeding in which the said village is a party or interested. All oaths or affidavits which are required or authorized by this act may be taken before the president of said village, but the said president shall not be entitled to receive any fee for administering such oath. All the estate, real or personal, vested in or belonging to or held in trust by the trustees of the village of Sing Sing at the time this act shall take effect as a law, shall continue to be, and is hereby declared to be, vested in the said village. All former acts and parts of acts relative to the incorporation of the village of Sing Sing are hereby respectively repealed; but the repeal of such acts

Oaths and affidavits may be taken before president

Acts repealed.

shall not affect any act done, privilege granted, right accorded or established, institution located, or any proceeding, suit or prosecution had or commenced previous to the time when such repeal shall take effect; but every such act, privilege, right, location and proceeding shall remain as valid and effectual as if said acts had remained in full force, but subject, nevertheless, to the provisions of this act. And all officers elected or appointed under or by virtue of acts hereby repealed shall continue in office until the second Tuesday in March, eighteen hundred and fifty-nine, unless the term for which they or any of them were elected or appointed shall sooner expire. All resignations of any officers under this act shall be made to the trustees, subject to their acceptance. All fines, forfeitures and penalties, and all moneys received for any purpose under this act, shall be paid to the treasurer of said village, and may be applied by said trustees to any purpose consistent with this act. Special meetings of the inhabitants of said village may be called by the same persons, and in the same manner as is provided for the calling the annual meeting or elections in this act. The notice of such special meetings shall state the object of such meeting.

General provisions.

§ 53. The board of trustees of the village of Sing Sing shall have no power to contract any debt or liability upon or against said village, or enter into any obligation, or appropriate moneys for said village to an amount exceeding the sum of ten thousand dollars in any one year, unless a tax in addition to that amount shall have been authorized, as provided in section thirty-one of the act hereby amended, in which case said board of trustees shall have power to contract debts or liabilities upon or against said village, or enter into obligations, or appropriate moneys for said village to the amount of such additional tax and no more. Also to have power to contract and expend all moneys received for fines, forfeitures, licenses and penalties exceeding the sum of ten thousand dollars.

Not to contract debts, except in cases and amounts named

§ 54. Any president or trustee of said village who shall contract any debt or liability against the village, except in the manner specified in the preceding section of this act, shall be individually liable to pay the same to any person or persons with whom such contract may be made, or to any person to whom the said debt or demand may have been assigned; but no such president or trustee shall have any action at law or in equity, or redress against said village for any debt or liability paid by them, or either of them, on account of such claim or demand.

Individual liability in case of a violation of sec. 53.

§ 55. The said corporation shall possess the privileges and be subject to the restrictions contained in part one, title three, chapter eighteen of the Revised Statutes as far as they are applicable to such corporation.

General powers, etc.

§ 56. The trustees shall have power to require of any officers appointed by them a bond for the faithful performance of their duties, in such amounts and with such sureties as they, the said trustees, shall approve.

Official bonds.

§ 57. The president and trustees are hereby empowered to act as a board of health, at all times to guard against the introduction of any malignant or infectious disease, and to adopt such measures as their judgment shall dictate to secure cleanliness and purity of atmosphere in the streets and alleys, and to promote the sanitary condition of the village, and to have power to abate and remove and regulate all privies, public and private sewers and cesspools which may be a nuisance and dangerous to the public health, and to maintain and establish pest-houses, and maintain a quarantine against all diseases dangerous to public health.

Board of health.

Trustees not to be interested in contracts.

§ 58. No member of the board of trustees shall be interested, either directly or indirectly, in any contract to which the village is a party; and any president or trustee who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment in the county jail not less than thirty days, nor to exceed three months, and by a fine not to exceed two hundred and fifty dollars.

Assistant police constables.

§ 59. The trustees shall have power to appoint, if in their discretion they deem it necessary, at any time, one or more assistant police constables, who shall hold their office, either temporarily or until the next election of village officers, at the discretion of the board of trustees, and perform the duties of watchman in said village, and such other duties as shall be assigned them; and the said assistant police constables shall have power, and it shall be their duty to serve all papers and processes for or on account of the said trustees or appertaining to the said corporation, and they shall also be entitled to such compensation for the time they shall be in service as said board shall determine; and shall be under the direction and charge of the police constable, and subject to the rules and ordinances of the said board of trustees.

Disorderly persons.

§ 60. All habitual drunkards, all drunken persons, or persons found intoxicated, or riotous persons, or persons engaged in quarreling or fighting or using profane, obscene or blasphemous language, or any person or persons creating, or attempting to create, a disturbance or breach of the peace upon any of the sidewalks, streets, highways and alley-ways or other public places within the corporate limits of the said village of Sing Sing, and all persons quarreling or fighting, or creating, or attempting to create, a disturbance at any public entertainment or place of amusement within said village of Sing Sing, in addition to those persons enumerated in the first section of title fifth, chapter twentieth of the first part of the Revised Statutes, shall be deemed disorderly persons, and may be proceeded against and punished according to the provisions of this act.

Arrest without process.

§ 61. The president of said village, the trustees and each of them, the police constable, or any of the assistant police constables, shall have power, and are hereby authorized at any and all times to arrest, or cause to be arrested, with or without process, any disorderly person or persons mentioned in the preceding section, and shall have power, with or without process, to enter, or cause to be entered, any building or place within the limits of said village, and arrest, or cause to be arrested, any such disorderly person or persons, and shall take them forthwith before any justice of the peace residing in said village, to be dealt with according to the provisions of this act. In case a justice of the peace cannot be found, then the officer so arresting any such offender may detain him in custody or commit him to the county jail or any other convenient or secure place for safe-keeping until a justice can be found, not to exceed forty-eight hours, when the officer shall immediately bring him before such justice of the peace to be tried, as hereinafter provided; said officers, or either of them, shall have power to command assistance whenever he shall deem it necessary.

Proceedings in case of disorderly persons.

§ 62. When any person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested and brought before any justice of the peace in said village, the said justice shall proceed forthwith to hear, try and determine the complaint or charge (summarily without a jury) on which such person is so arrested, or he may, in his discretion, adjourn the hearing or trial, or cause shown, not to exceed five days, and in the meantime shall com-

mit the accused to the county jail, or any other convenient or secure place, until such day, or suffer him to go at large on his executing a bond, with sureties, under the approval of said justice, conditional that he will appear on said adjourned day; and upon the conviction of any offender, either by confession or competent testimony, the said justice shall have the power, and is hereby authorized, to punish by fine, not exceeding fifty dollars, or by imprisonment in the county jail of Westchester county, not to exceed six months, or by both such fine and imprisonment.

Highway funds.

§ 63. It shall be the duty of the commissioners of highways of the town of Ossining to pay over to the president and trustees of the village of Sing Sing one-half of all moneys received by them, from any source whatever, for the purpose of repairing roads and bridges, or roads or bridges, in said town, within thirty days after the receipt thereof by said commissioners, and the same shall be applied by the said president and trustees, within the corporate limits of the village of Sing Sing, for the purpose of repairing roads and bridges in said village.

§ 64. This act is hereby declared a public act, and the same shall be construed favorably and benignly for every beneficial purpose therein contained.

§ 65. The legislature may, at any time hereafter, modify or repeal this act.

§ 66. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 67. This act shall take effect immediately.

CHAP. 569.

AN ACT relating to certain streets and avenues in Astoria, Long Island City.

PASSED June 17, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners to improve streets and avenues named.

SECTION 1. Cornelius Rapelye, Charles W. Hallett, Stephen B. Halsey, William H. Hutchinson and James M. Blackwell are hereby appointed commissioners, without compensation, to improve Fulton avenue and Main street from the Astoria ferry to Flushing avenue, in Long Island City. Said commissioners and their successors shall be known as the Fulton avenue and Main street improvement commissioners. They shall act as a board of commissioners, and shall keep minutes of all their meetings and proceedings. A majority of them shall constitute a quorum, and the vote or concurrence of a majority shall be necessary for the execution of any contract or the transaction of any business. On or before the first Monday of February, in each year, said commissioners shall make a written report to the mayor of Long Island City of their proceedings during the year ending with the thirty-first day of December previously.

Quorum.

Empowered to grade streets, etc.

§ 2. Said commissioners and their successors in office are hereby authorized, empowered and directed to grade, regulate, sewer, pave, curb, flag and lay crosswalks on Fulton avenue from the Astoria ferry to Main street, and Main street from Fulton avenue to and across

Van Alst avenue to Flushing avenue, as said streets and avenues are severally laid down and designated on the commissioners' map of Long Island City, except that the plan of sewers, and the width, street lines and grades of said Fulton avenue and Main street, within the limits aforesaid; also the grade of Monson street between Fulton avenue and Franklin street, and the grade of the Boulevard between Fulton avenue and Main street are hereby fixed, established and declared to be the same as are severally and respectively laid down and designated therefor on a certain map filed in the office of the city clerk of Long Island City on the eighteenth day of February, eighteen hundred and seventy-nine, made by James Otis, civil engineer, and entitled "map showing the plan of sewers together with the street lines and grades of Fulton avenue and Main street from Astoria ferry to Flushing avenue, in Long Island City." Bridge stones shall also be laid across all streets and avenues intersecting Fulton avenue and Main street within the limits above specified, and bridge stones may be laid across Fulton avenue and Main street, within said limits, wherever the commissioners deem it necessary to lay the same; and said commissioners, in making the improvements hereby authorized and directed, shall conform to and observe the grades, street lines and plan of sewers hereby fixed and established The sewer hereby authorized shall be continued from Fulton avenue through the Boulevard southerly to Main street, and thence westerly through Main street to its outlet in Hallett's cove or the East river. Upon the occurrence of any vacancy in said commission, such vacancy may be filled by the remaining commissioners, and, until so filled, any powers hereby conferred, and any duties hereby devolved upon said commission, may be exercised and discharged by the remaining commissioners.

Bridge stones.

Sewer to be continued.

Powers and duties of commissioners and their counsel.

§ 3. For the purpose of making the several improvements hereby authorized and directed, said commissioners, and their counsel, shall have and possess respectively the same functions, rights and powers, and discharge the same duties as are granted to and devolved upon the common council of said city, and the attorney and counsel to the corporation, by chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, entitled "An act to revise the charter of Long Island City," and the several acts amendatory thereof, except that none of the provisions of sections one and two of chapter two of title three of said act (except the provisions thereof relating to the area of assessment for a main or trunk sewer), shall apply to any proceeding authorized by this act. Application for the appointment of commissioners of estimate and assessment, for the purposes of this act, may be made to the county court of Queens county, at any term thereof, or to the supreme court at any special term thereof in the counties of Kings or Queens. Any application to confirm any report of the commissioners of estimate and assessment, or any other motion with regard thereto, if made to the supreme court, may be made in either of said counties.

Work to be done by contract.

§ 4. All work to be done under this act, and all materials required to be furnished therefor, shall, so far as practicable, be done and furnished by contract or contracts founded upon sealed bids or proposals, made on public notice by advertisement, for at least ten days, in one or more newspapers published in Long Island City, which notice shall specify the time and place for receiving and publicly opening such proposals; and such contract or contracts when awarded shall be given to the lowest responsible bidder, giving adequate security satisfactory to said commissioners; but said commissioners may reject any

To be awarded

bid not deemed by them to be for the public interests. All contracts shall contain such terms, conditions, provisions and restrictions as shall seem desirable to the commissioners for the proper security and advantage of the property-owners, in regard to the work to be done and the materials to be furnished thereunder. Should any contractor fail to comply with the provisions of his contract, the commissioners may, in their option, abrogate and annul such contract, and advertise anew for carrying out the unfinished part thereof, and make a new contract or contracts therefor, until the entire improvements shall be finished, and the said commissioners shall have full discretionary power in the interest of the property-owners, in the prosecution of their improvements, in their dealings with the contractors, and in enforcing their right against contractors, to the end that said improvements may be completed in the most speedy, advantageous and economical manner.

to lowest bidder.

Power of commissioners in case of failure of contractor to perform.

§ 5. In order to pay for the several improvements authorized by this act, together with the incidental expenses of making the same, said commissioners are hereby authorized and empowered to issue certificates to an amount not to exceed in the aggregate the sum of fifty thousand dollars, which shall be known as the "Fulton Avenue and Main Street Improvement Certificates." Such certificates may be issued in direct payment for such improvements and expenses, at not less than their par value, or they may be sold or negotiated by said commissioners to obtain money to pay for such improvements and expenses, or for any part thereof, as said commissioners may deem most advantageous. Such improvement certificates may also be sold by such commissioners to obtain money to pay interest on outstanding certificates, whenever they shall deem it necessary so to do, and all money realized from the sale of certificates for the payment of interest shall be forthwith deposited with the treasurer and receiver of taxes of Long Island City, to the credit of the Fulton avenue and Main street improvement fund, hereinafter provided for. The commissioners shall determine the form and denominations of said certificates, except that they shall be payable to bearer; shall pass by delivery; shall bear interest at six per cent per annum, payable semi-annually, on the first days of March and September in each year; shall be redeemable out of the Fulton avenue and Main street improvement fund, and shall be payable in five years, or in any event in ten years, from their respective dates; shall be receivable at all times at par and accrued interest in payment of any assessments hereby authorized and of the interest thereon; and also except that it shall appear upon said certificates that they are issued under the provisions of this act. They shall be signed by said commissioners, or a majority of them, and countersigned by the treasurer of Long Island City, on the written requisition of said commissioners, or a majority of them, or their successors. It shall be lawful, however, for the owner or holder of any certificate issued under this act, to render the same non-negotiable, except by the owner's or holder's indorsement, by indorsing thereon and subscribing a statement that said certificate is the property of such owner; and thereupon the principal sum of money mentioned in said certificate, and interest thereon, shall be payable to said owner only, or his legal representatives or assigns. In case of a sufficient amount of the assessments to be levied under the provisions of this act shall not be paid to the treasurer and receiver of taxes of Long Island City to enable him to meet and pay the first six months' interest accruing upon any of such certificates which may have been issued

Certificates to issue to pay for work.

Not to issue at less than par.

May be sold.

Form and denomination of.

To be signed by commissioners, etc.

Proceedings in case not enough paid to meet interest.

from time to time by said commissioners, or any part thereof, the said treasurer and receiver of taxes shall certify the fact in writing to said commissioners, stating the amount necessary to pay or make up any deficiency in the payment of such interest, and thereupon said commissioners shall forthwith proceed to issue such an amount in such certificates as will make up and pay such deficiency of interest, and shall sell and negotiate the same as hereinbefore provided, and shall pay over the proceeds thereof to said treasurer; and such certificates so issued shall be in excess of and in addition to the amount hereinbefore provided to be issued to pay for such improvements and expenses, and in any event shall not exceed in amount the sum of three thousand dollars in the aggregate.

Record to be kept of certificates.

§ 6. Said board of commissioners and said treasurer shall keep an accurate record, showing the number of each certificate issued, its date, par value, when countersigned, date of issue, and when interest thereon is payable. On receiving any certificate in payment of any assessment or interest, or by purchase, as hereinafter provided, the treasurer shall permanently and effectually cancel and deface the same, and enter in separate columns on his record, opposite to and on the same line with the record of its issue, the date of its reception or purchase, the accrued interest thereon, the amount of principal and accrued interest, the rate and amount of discount, if any, at which such certificate was purchased, the amount paid or allowed therefor, and, if received in payment of any assessment or interest, a brief description of the property covered by the assessment upon which such assessment was made. Like entries shall also be made in the record kept by said commissioners; and said treasurer and said commissioners shall interchange such statements or reports as will enable them to fill up and complete their respective records daily. Each of such records shall be open during ordinary business hours to the inspection of any holder of certificates, or any owner of property assessed for such improvements.

Cost to be certified to commissioners of estimate and assessment.

§ 7. The cost or approximate cost of the improvements hereinbefore authorized and directed to be made, together with the incidental expenses of making the same, as estimated and ascertained by said Fulton avenue and Main street improvement commissioners, shall be certified by them in writing to said commissioners of estimate and assessment, who shall proceed as soon as practicable after their appointment to assess the cost of the improvements hereby directed to be made, and for the incidental expenses of making the same, as so certified; under and pursuant to the provisions of, and as prescribed by chapter two of title three of chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, irrespective, however, of the first two sections thereof, excepting the provisions referring to the area of assessment for a main or trunk sewer, and such proceedings shall thereupon and thereafter be had for correcting and confirming such assessment as are therein prescribed with respect to assessments for like purposes levied under the provisions of said act exclusively, and said assessments shall be levied upon, and shall be a lien upon the same property, and to the same extent, and the collection thereof may be enforced, except where otherwise provided by this act, as therein prescribed, and the acts and certificates of said Fulton avenue and Main street improvement commissioners, and of said commissioners of estimate and assessment, as affecting any assessments, may be amended if any errors or irregularities be discovered therein, and their amended acts and certificates shall have the same force and effect as their origi-

To be assessed by commissioners.

Proceedings.

nal acts and certificates, and it is declared to be the intention of this act that the fullest powers of amendment shall be vested in said Fulton avenue and Main street improvement commissioners, and in said commissioners of estimate and assessment, so as to promote substantial justice in the matter of said assessments, and in enforcing the lien and collection thereof, to the end that said Fulton avenue and Main street, within the limits aforesaid, may be speedily improved as herein provided, and a suitable outlet for said sewer constructed, as herein directed, and that a just and valid assessment may be levied and collected therefor, so that the entire cost, charges and expenses of such improvements and construction may be defrayed out of and with the proceeds of such assessment without any cost or expense to the city at large. For the purpose of determining the area of assessment for sewer purposes, which assessment may be included in the assessment hereby authorized for other improvements, the sewer hereby authorized and directed to be constructed shall be deemed and taken to be a main or trunk sewer.

Power of amendment vested in commissioners.

§ 8. Any assessment levied under the provisions of this act may be paid to the treasurer and receiver of taxes of Long Island City, without any fee or charge, at any time within three months after a certified copy thereof shall have been filed in said treasurer's office. All assessments levied hereunder, and not paid within said three months, shall draw and bear interest at and after the rate of ten per centum per annum, payable semi-annually on the first day of February and August in each year; provided, however, that when there shall not be more than six months' unpaid interest on any assessment, such interest may be paid and discharged at the rate of six per centum per annum; and that where there shall be more than six and not more than twelve months' unpaid interest thereon, such interest may be paid and discharged at the rate of eight per centum per annum, and where there shall be more than twelve and not more than eighteen months' unpaid interest thereon, such interest may be paid and discharged at the rate of nine per centum per annum. Any assessment may be paid in full at any time, and payments in sums of not less than one dollar may be made at any time on account thereof, or of the accrued interest thereon, but all payments shall be first applied to the discharge of the accrued interest, and the residue, if any, shall be credited on account of the principal. No warrant shall be required for the collection of any assessment under this act, or of the interest thereon, nor shall any warrant be required for the sale of any lands or other property for the non-payment of any such assessments or interest, but all lots, pieces or parcels of land, upon which there shall be three years' interest or more unpaid on the first day of August in any year, or upon which any such assessment or interest shall remain unpaid at the expiration of ten years after a certified copy thereof shall have been filed in the office of the treasurer and receiver of taxes of Long Island City, shall be advertised and sold for the payment of such unpaid interest or assessment, or both, as the case may be, and such sale or sales shall be made by said treasurer and receiver of taxes, or by such other officer of said city, if any, as shall then be authorized and empowered by law to sell lands in said city for non-payment of city taxes; and such sale or sales and all proceedings therefor and thereafter shall be the same and on the same notice and like terms, and subject to the same conditions, provisions and restrictions, and the several lots or parcels of land or property may be redeemed, and, in default of such redemption, title thereto shall be perfected and given, in the same

Payment of assessments may be made at any time. Interest.

manner, to the same extent and with the same force and effect as is prescribed in and by chapter four hundred and twenty-two of the laws of eighteen hundred and seventy-six, for the sale of lands in said city for non-payment of State, county, city and ward taxes therein mentioned.

§ 9. All moneys received by said treasurer and receiver of taxes, in payment of such assessments or interest, shall be placed to the credit of a fund to be known as the Fulton avenue and Main street improvement fund, and shall be kept separate and apart from all other moneys in his hands, and no part thereof shall ever be expended by him, except in payment of the interest or for the purchase and redemption of the principal of said Fulton avenue and Main street improvement certificates. Whenever the treasurer of said city shall have five hundred dollars or more in his hands to the credit of said Fulton avenue and Main street improvement fund, not required for the next semi-annual payment of interest on the outstanding improvement certificates issued hereunder, he shall give notice, by advertisement for at least one week in one or more newspapers published in Long Island City, that he will receive sealed proposals for the sale and surrender to him of such certificates. Such notice shall specify the amount in his hands applicable to the purchase of such certificates; and shall designate the time and place for receiving and publicly opening such proposals. Blank proposals shall be furnished by the treasurer on the application of any party desiring to bid, and the sum so advertised shall be awarded to the highest bidder or bidders therefor; but not more than par and accrued interest shall be paid for such certificates, and the treasurer shall in all cases have and reserve the right to reject any and all bids not deemed by him to be for the public interest. When all of said assessments shall have been paid, with interest thereon, or upon the completion of the sales for the non-payment thereof, all said improvement certificates shall be paid off, and if there be any excess to the credit of said Fulton avenue and Main street improvement fund, it shall be covered into the city treasury in payment of city taxes upon the property assessed hereunder, in proportion to the amounts assessed thereon respectively.

§ 10. Whenever the assessment on any lot shall be paid in full, with interest, the treasurer shall enter upon the assessment roll opposite to and upon the same line with the entry or record of the assessment so paid, the words "paid in full," with the date of such final payment, and from and after such payment, and entry, such lot shall be free, clear and discharged of and from the lien of such assessment.

Accounts to be kept by treasurer and receiver.

Suitable accounts shall be kept by said treasurer and receiver of taxes in such manner and form as such improvement commissioners may prescribe or approve, in which shall be entered the amount assessed upon each lot separately, the interest thereon as the same accrues, together with the several payments of principal or interest, or both thereon. Also the several payments of interest and the final payment of principal of each improvement certificate, which accounts shall be open to the inspection of all holders of certificates, and all owners of property assessed for such improvements.

Liability of treasurer and receiver on official bond.

Temporary bond.

§ 11. The treasurer and receiver of taxes of Long Island City and his sureties shall be liable on his official bond given said city, after the passage of this act, for the faithful discharge of the several duties hereby imposed upon him, and for all moneys which shall come into his hands under and pursuant to the provisions hereof. Prior to the giving of such security, a temporary bond may be required by said im-

provement commissioners, in form and amount to be approved by them, conditioned that said treasurer shall faithfully account for, apply and pay over all moneys which shall come into his hands under the provisions of this act, and that he will also faithfully discharge all the duties hereby devolved and imposed upon him. It shall be lawful for said Fulton avenue and Main street improvement commissioners to make such provision or allowance for the additional clerical assistance required in the treasurer's office by reason of this act as they shall determine to be reasonable and just, not exceeding, however, the sum of three hundred dollars per annum for two years.

Owners of lots may be authorized to do work in front of their lots.

§ 12. Said Fulton avenue and Main street improvement commissioners may authorize the owner of any lot or lots to grade, regulate, curb, flag and pave said Fulton avenue and Main street, in front of the property owned by him thereon, under their supervision; and upon the completion of such grading, regulating, curbing, flagging and paving, or either of them, to the satisfaction and approval of said commissioners, the person or persons doing the same shall be credited by such treasurer with such equitable proportion of the amount assessed upon the several lots in front of which such improvement shall be made as aforesaid, as may be just, and as shall be agreed upon by and between said commissioners and said owner, which amount, together with a description of the lot or lots to be credited, shall be certified to said treasurer by said commissioners, or a majority of them, and by such owner; but no credit shall be claimed for any work, unless the written consent of the commissioners to do the same be first had and obtained.

Official oaths.

§ 13. All officers upon whom any duty is devolved by this act shall take the oath of office prescribed by article twelve of the constitution of this State.

§ 14. This act shall take effect immediately.

CHAP. 570.

AN ACT to extend the term of office of the improvement commissioners in Long Island City, for the purpose of completing certain improvements heretofore authorized.

PASSED June 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Powers and duties and terms of office of com'rs extended.

SECTION 1. The powers, duties and terms of office of the commissioners acting or appointed under the provisions of chapter three hundred and twenty-six of the laws of eighteen hundred and seventy-four, entitled "An act to provide for improvements in and adjoining the First ward of Long Island City," are hereby extended until the first day of July, which will be in the year eighteen hundred and eighty-one, but said commissioners shall not, after the first day of July, eighteen hundred and eighty, receive, or be entitled to receive, more than six hundred dollars each per annum, as and for their salaries as such commissioners; but no new contracts shall hereafter be entered into by said commissioners, except for the completion of the paving, laying of crosswalks, curbing and flagging of Jackson avenue, from Third street to the north-easterly boundary line of the improvement district constituted by said act; Vernon avenue, from Ninth street to

Compensation.

No new contracts except those specified to be made.

the northerly line of said improvement district; Borden avenue, from East avenue to Dutch Kills creek or canal, and West avenue, from Fourth to Eighth street; for the completion of the grading on Hunter's Point avenue, between Oliver street and Dutch Kills creek or canal, and for the construction of a bridge on Nott avenue over said creek or canal.

Proceedings to acquire title to bonds.

§ 2. In any case where title to lands lying within any streets or avenues within said improvement district heretofore improved under the provisions of said act and the several acts amendatory thereof and supplementary thereto, has not been fully acquired by or vested in said city for the purposes of a street thereof, or where the rights of any person interested in said lands have not been fully extinguished, it shall be the duty of said commissioners, by their counsel, to institute proceedings to cause title to such lands to be acquired, or such interest to be extinguished in the manner now prescribed by law therefor; and no assessment levied or to be levied under said first-mentioned act, and the several acts amendatory thereof and supplementary thereto, shall be vacated, set aside, or otherwise impeached for or by reason of any such unextinguished interest in said lands, provided title thereto shall have been, or shall be fully acquired by and vested in said city as provided in this act; or for or by reason of any omission to comply with or carry out any detail of law, or for or by reason of any irregularity or technicality, except only in cases in which fraud shall be shown, and all assessments now levied for improvements heretofore made under the direction of said commissioners, are hereby ratified and confirmed.

Assessments not to be set aside.

Unnecessary to build bridges.

§ 3. For the purposes of said first mentioned act, it is hereby declared to be unnecessary to build any bridges not heretofore built or contracted to be built by said commissioners except the bridge on Nott avenue, hereinbefore mentioned, and if the total amount estimated and ascertained by said commissioners, as and for the costs, charges and expenses of bridging, be not entirely expended therefor said commissioners shall make and file in the office of the city treasurer of said city a certificate or certificates specifying the excess of the amount so estimated and ascertained over and above the amount actually expended by them therefor. Said commissioners shall thereupon, also, make and file in the office of said treasurer another certificate, or certificates, specifying the proportion of the amount so certified as above, equitably creditably to each lot, piece or parcel of land assessed therefor. Upon receiving any certificate last above provided for, it shall be the duty of said treasurer to credit each lot, piece or parcel of land with the amount so certified to him as being equitably creditably thereto; and then and from thenceforth such lot, piece or parcel of land shall be forever discharged of and from the lien of the assessment levied thereon under said acts, or hereunder, to the extent of such certification and credit.

Certificate to be made and filed.

Certificates to be furnished.

§ 4. It shall be the duty of said commissioners forthwith to furnish the assessors of Long Island City with the certificate or certificates provided for in section three of said first mentioned act, as modified by chapter five hundred and one of the laws of eighteen hundred and seventy-nine, entitled "An act to prepare for and aid in closing up the business of the improvement commission in Long Island City," and said assessors shall thereupon make, perfect, execute and file assessment rolls in regard to and upon all property within said improvement district and not heretofore assessed.

§ 5. This act shall take effect immediately.

CHAP. 571.

AN ACT making appropriations for the payment of certain awards made by the State board of audit.

PASSED June 18, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons and for the objects indicated in this act, the amounts named, or such parts of those amounts as shall be sufficient to accomplish, in full, the purposes designated by the appropriations.

FROM THE GENERAL FUND.

For payment of awards made by the State board of audit, the sum of thirteen thousand five hundred and ten dollars and sixty-three cents, or so much thereof as may be necessary, as follows: For the county of Erie two thousand five hundred dollars, and for Robert F. McIntyre sixty-one dollars and thirty-five cents.

§ 2. This act shall take effect immediately.

CHAP. 572.

AN ACT in relation to unpaid taxes and assessments in the city of Brooklyn.

PASSED June 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases where the aggregate amount of all the claims and demands of the city of Brooklyn upon or against any tract or parcel of land in said city for taxes, water rates and assessments and sales therefor, and all installments of such assessments already levied shall exceed the value of such land, as the same is now valued upon the tax-roll last confirmed by the board of supervisors of Kings county, such aggregate is hereby reduced to the assessed value fixed and determined as aforesaid.

When claims for taxes, etc., exceed value, same shall be reduced to assessed value.

§ 2. Upon payment to the registrar of arrears of the city of Brooklyn, on or before the first day of October, eighteen hundred and eighty, by any person interested, of an amount equal to the aggregate amount of any unpaid taxes, water rates, assessments and installments of assessments as reduced in section one of this act, and for which payment so made to him the said registrar of arrears shall furnish a proper receipt to the person making such payment, the same shall thereupon be discharged of record and cease to be liens on such land. This act shall apply to and include taxes, water rates, assessments and installments of assessments where the city holds any certificate of sale therefor, and such certificate shall only be evidence of such sale as to the remainder of such tax, water rate, assessment and installment of assessment after reduction as aforesaid, as provided in section one of

Payment of amounts equal to assessed value shall discharge lien.

What taxes, etc., act to include.

Proviso. this act; provided, however, that it shall be lawful for any person wishing to take advantage of the provisions of this act to pay one-fifth of the aggregate amount of such taxes, water rates, assessments and installments of assessments on or before the said first day of October, and one-fifth thereof with interest at the rate of six per centum on the balance remaining unpaid annually thereafter, or the person liable having paid one or more installments as provided in this section, may pay the balance remaining unpaid at any time with interest at the rate of six per centum per annum from the said first day of October, eighteen hundred and eighty, and whenever full payment shall be made, the liens as aforesaid on such land shall be discharged as in this section provided; and provided, further, that all taxes, water rates, assessments and installments of assessments to become due and payable on such land shall be fully paid within ninety days after the same shall become a lien upon such lands, and that payments of the amounts as reduced shall be made as in this section provided — or the reductions authorized by this act shall be rescinded — and shall cease to have any effect, and the amount paid on account shall be credited only as part payment of the original claims of the city. This section as to the terms of payment shall also apply to all taxes, water rates and assessments levied prior to January first, eighteen hundred and seventy-eight, and not included in section one of this act; the original amount thereof may be paid with interest at the rate of six per centum per annum from the date of the passage of this act.

Further proviso.

Deficiency to be ascertained by comptroller and reported to common council.

§ 3. It shall be the duty of the comptroller of the city of Brooklyn to ascertain the amount already deficient for the payment of the tax certificates issued or to be issued, and the bonds of the city for local improvements, by reason of defective levies, reductions or vacations by the courts, or other causes, and also to ascertain any such deficiencies occasioned by the operation of this act, and to report to the common council, from time to time, such deficiencies as they already exist, or as they may hereafter arise; whereupon the common council are authorized and empowered to issue bonds of the city for such deficiencies, to run for not less than ten, nor more than forty years, at as low a rate of interest, not higher than five per centum, and of such denomination as they shall deem wise, which said bonds shall be sold by the comptroller, as provided by law; provided such bonds shall only be issued at such times and in such amounts as shall enable the city to substitute them for such tax certificates and such bonds as are the occasion of such deficiencies now existing, or which may arise under this act, as such certificates and bonds fall due; and an amount sufficient to meet said bonds, with interest thereon, shall be inserted in the annual tax levy, in such equal installments as shall be needed to produce the amount due upon said bonds at the time said bonds become due respectively.

Bonds to be issued to meet deficiency.

Board of assessors to put separate value on lots, assessed as one parcel.

§ 4. Whenever several lots have been taxed or assessed together as one parcel, so that each lot has not a known separate assessed value, the board of assessors of said city shall separate such lots at the request of the owner thereof, and shall equitably apportion the valuation of the entire plot fixed as aforesaid among the various parcels, so as to give to each lot a separate valuation, and the valuation as so apportioned shall be the valuation of such lot for the purposes of this act.

Not necessary to publish lists, but same to be printed in

§ 5. In the matter of advertising for sales of all property in arrears for taxes, assessments or water rates, it shall not be necessary to publish the lists of property in arrears, but it shall be the duty of the registrar of arrears to have such list printed in pamphlet form and to

deliver copies thereof to any persons applying therefor, and all notices of sale required by law to be published in the corporation newspapers, instead of containing lists of the property in arrears, shall state that printed lists of such property may be had upon application at the office of the registrar of arrears. pamphlet form.

§ 5.* This act shall take effect immediately.

CHAP. 573.

AN ACT to further amend an act entitled "An act to amend chapter sixty-five of the laws of eighteen hundred and seventy-eight, relating to the collection of taxes in the counties of Livingston, Montgomery, Oswego, Ulster and Ontario," and amended by chapter two hundred of the laws of eighteen hundred and seventy-nine.

PASSED June 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sixth section of "An act to amend chapter sixty-five of the laws of eighteen hundred and seventy-eight, relating to the collection of taxes in the counties of Livingston, Montgomery, Oswego, Ulster and Ontario," and amended by chapter two hundred of the laws of eighteen hundred and seventy-nine, is hereby amended so as to read as follows: Sec. 6, of act named amended.

§ 6. The said county treasurer shall, immediately after the expiration of the aforesaid six months, cause to be published at least once in each week for six weeks, in the two public newspapers designated by the board of supervisors of said counties for the publication of the session laws, a list of statements of the real estate charged with such tax and interest, and so liable to be sold, and also a notice that the said real estate will on a day at the expiration of the said six weeks, to be specified in such notice and the succeeding days, be sold at public auction at the court-house in the city of Oswego, in the county of Oswego, and at the court-house in the village of Geneseo, in the county of Livingston, and at the court-house in the village of Fonda, in the county of Montgomery, and at the court-house in the city of Kingston, in the county of Ulster, and at the court-house in the village of Canandaigua, in the county of Ontario, to discharge the taxes, interest and expenses aforesaid, which may be due thereon at the time of the sale, the publishing of the said notice not to exceed the sum of two dollars, excepting in the county of Ulster, wherein the sum shall not exceed one dollar, for each newspaper so publishing each of the several notices. On the day mentioned in the said notice each of the said county treasurers shall commence the sale of said real estate, and shall continue the sale from day to day until such lands shall be disposed of. List of real estate charged with tax to be published together with notice of sale. Place of sale. Cost of publication. Sale to commence on day named in notice.

§ 2. The eighth section of said act is hereby amended so as to read as follows:

§ 8. The owner of, or any person interested in, any real estate sold for taxes as aforesaid may redeem the same at any time within two Redemption.

* So in original.

years after the last day of such sale, by paying to the said county treasurer, of the county in which the real estate so sold is situated, for the use of the purchaser, his heirs and assigns, the sum mentioned in his certificate, and the interest thereon at the rate of ten per centum per annum, to be calculated from the date of such certificate, together with any tax the holder of such certificate shall have paid in the interim between the days of sale and redemption.

§ 3. This act shall take effect immediately.

CHAP. 574.

AN ACT supplementary to chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter two hundred of the laws of eighteen hundred and seventy-four, entitled 'An act to authorize the appraisal and sale of leased fine salt lots on the Onondaga Salt Springs Reservation by the commissioners of the land office, and to authorize the sale of certain coarse salt lands, the removal of vats therefrom, and the purchase of other lands in lieu thereof.'"

PASSED June 21, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supt. to contract for removal of vats, etc.

SECTION 1. The superintendent of the Onondaga Salt Springs is hereby authorized and required to contract with the owners for the removal of the coarse salt vats and other erections situated in the town of Geddes from their present location, deemed unsuitable for the manufacture of coarse salt by the commissioners of the land office, pursuant to chapter three hundred and seventy-four of the laws of eighteen hundred and seventy-eight, to other lands suitable for such purpose to be provided for them by the commissioners of the land office.

Cost to be paid from duties.

§ 2. The cost of said removal shall be paid for by the comptroller from funds received from duties upon salt when the superintendent shall certify to them that the work has been properly done, and the salt yard is in suitable condition for the manufacture of salt.

Cost of land to be paid out of moneys received from sale of other lands.

§ 3. The cost of the land to be purchased by the commissioners of the land office, to carry out the provisions of this act, shall be paid from the funds received from the sale of other lands or from duties upon salt; and when the land upon which the present erections are now located is sold, and the money received from such sale, the same shall be paid into the fund from which the money to carry out the provisions of this act shall have been drawn.

§ 4. This act shall take effect immediately.

CHAP. 575.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same."

PASSED June 22, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-one of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," is hereby amended so as to read as follows:

§ 31. Every railroad corporation formed under this act shall make an annual report to the State engineer and surveyor of its operations for the year ending with the thirtieth day of September, and of its condition on that day; which report shall be verified by the oaths of the president or treasurer and the general manager or acting superintendent of its operations, and shall be filed in the office of the State engineer and surveyor by the twentieth day of December in each year, and shall state: Annual report.

TABLE A.

STOCK AND DEBT.

1. Capital stock as authorized by charter.
2. Capital stock as since fixed.
3. Capital stock subscribed.
4. Capital stock paid in.
5. Funded debt.
6. Unfunded debt.
7. Total funded and unfunded debt.
8. Average rate per annum of interest on funded debt.

The several amounts shall be stated in two columns, one of which shall be headed and contain "as by last report," and the other "by this report."

9. Number of shares of ordinary stock.
10. Number of shares of preferred stock.
11. Total shares of stock, of par value of $ per share.
12. Number of stockholders.
13. A tabular statement of the funded debt as "by this report" shall be given, showing

(1) Each kind of bonds or obligations.
(2) If and how secured.
(3) Date of issue.
(4) When due.
(5) Rate of interest.
(6) Amount of authorized issue.
(7) Amount actually issued.
(8) The total amounts.

14. The amount of unfunded debt as "by this report" shall be stated under the following classification:

(1) Notes and acceptances.
(2) Pay rolls and operating expenses unpaid.

(3) Amounts due other railroad corporations.
(4) Interest due and unpaid.
(5) Dividends unpaid.
(6) Open accounts.
(7) Other items (if any).

TABLE B.

COST OF ROAD AND EQUIPMENT.

15. Grading and masonry.
16. Bridges.
17. Superstructure including rails.
18. Passenger and freight stations, buildings and fixtures.
19. Engine and car-houses, machine shop, machinery and fixtures.
20. Land, land damages and fences.
21. Locomotive engines and fixtures.
22. Passenger and baggage cars.
23. Freight and other cars.
24. Engineering and agencies.
25. Any other items entering into the cost or value.
26. Total.

The several amounts shall be extended into three columns; the first to be headed and to contain "amount of last report;" the second, "amount since charged;" and the third, "amount by this report."

27. A statement shall be given showing briefly (by numbers, by quantities, or by descriptions) the additions, or betterments made to the road and equipment, representing the several amounts that may appear in the column headed "amount since charged."

TABLE C.

CHARACTERISTICS OF ROAD.

28. Main line of road (stating termini).
29. Main line laid.
30. Branches owned.
31. Lines leased or operated.
32. Total main line, branches owned, and lines leased or operated.
33. Second track on main line.
34. Second track on branches owned, or lines leased or operated.
35. Total second track.
36. Third track on main line.
37. Fourth track on main line.
38. Third and fourth track on branches owned, or on lines leased or operated.
39. Sidings and turnouts on main line.
40. Sidings and turnouts on branches owned, and on lines leased or operated.
41. Total sidings.
42. Aggregate of all tracks on main line, branches owned, and lines leased or operated, including all siding and turnouts.

The amounts shall be extended into three columns; the first headed and to contain "length in this State;" the second "length out of this State," and the third "total length."

43. A tabular statement shall be given, showing the termini of each branch, and of each line leased or operated, its length, and the length of double track, including sidings and turnouts on each.
44. Gauge of track.

45. Miles of steel rails (reduced to single track) in main line.
46. Same in branches owned, and lines leased or operated.
47. Weight per yard of steel rails in main line.
48. Weight per yard of iron rails in main line.
49. Weight per yard of steel rails in branches.
50. Weight per yard of iron rails in branches.
51. Length in feet of iron bridges on all lines.
52. Length in feet of wooden bridges on all lines.
53. Length in feet of pile or trestle work in wood on all lines.
54. Miles of telegraph wire owned and operated.

TABLE D.

EQUIPMENT.

55. Number of locomotive engines for passenger service.
56. Number of locomotive engines for freight service.
57. Number of locomotive engines for switching service.
58. Total number of locomotive engines owned.
59. Average weight (with tender and fuel and water) of each kind of locomotive engines.
60. Number of engine-houses.
61. Aggregate number of stalls in same.
62. Number of first-class passenger cars.
63. Number of second-class and emigrant passenger cars.
64. Number of baggage, mail and express cars.
65. Number of freight and other cars owned, namely:
(1) Box freight.
(2) Platform or flat.
(3) Cattle.
(4) Oil.
(5) Coal.
(6) Service.
(7) Other kinds.
66. Number of above freight cars with eight wheels.
67. Number of above freight cars with four wheels.
68. Number of locomotive engines controlled by the corporation for use, but leased instead of owned.
69. Number of freight cars controlled by the corporation for use, but leased instead of owned.

TABLE E.

MISCELLANEOUS.

70. Number of machine and car shops.
71. Number of elevators or grain houses.
72. Aggregate capacity of same in bushels.
73. Number of freight or cattle yards, of two acres or more in area.
74. Aggregate area of same in acres.
75. Miles of track laid in same.
76. Average number of persons directly employed by the company during the year.
77. Aggregate amount of salaries and wages paid to same for the year.

TABLE F.

DOINGS OF THE YEAR IN TRANSPORTATION AND TOTAL MILES RUN.

8. Number of miles run by passenger trains.
9. Number of miles run by freight trains.
0. Number of passengers (all classes) carried in cars.
81. Number of tons, of 2,000 pounds, of freight carried in cars.
82. Number of miles traveled by passengers, or number of passengers carried one mile ("total movement of passengers").
83. Number of miles one ton of freight was carried, or number of tons carried one mile ("total movement of freight").
84. Average rate of speed (miles per hour) adopted by ordinary passenger trains including stops.
85. Rate of speed of same when in motion.
86. Average rate of speed adopted by express passenger trains, including stops.
87. Rate of speed of same when in motion.
88. Average rate of speed adopted by freight trains, including stops.
89. Rate of speed of same when in motion.

TABLE G.

DESCRIPTION OF FREIGHT MOVED.

90. Products of the forest (tons).
91. Products of animals.
92. Vegetable food.
93. Other agricultural products.
94. Manufactures.
95. Merchandise.
96. Other articles.
97. Total number of tons.

TABLE H.

AMOUNTS MOVED OF CERTAIN SPECIFIED ARTICLES INCLUDED IN FOREGOING DESCRIPTION.

98. Flour (tons).
99. Grain.
100. Live stock.
101. Fresh or pickled meats and provisions.
102. Petroleum and other oils.
103. Lumber.
104. Pig and bar iron and steel, and iron and steel rails.
105. Iron and other ores.
106. Coal.

TABLE I.

DIRECTION AND DESTINATION OF FREIGHT MOVED.

107. Tons of through, going east and south.
108. Tons of through, going west and north.
109. Total tons through.
110. Tons of way, going east and south.
111. Tons of way, going west and north.
112. Total tons way.

TABLE J.

DESTINATION OF PASSENGERS CARRIED.

113. Number of through passengers.
114. Number of way passengers.

TABLE K.

AVERAGE RATE CHARGED PER TON PER MILE ON FREIGHT.

115. On first class.
116. On second class.
117. On third class.
118. On fourth class.
119. On all other classes.
120. Average on all classes.

The amounts shall be stated in two columns; one headed and to contain "rate on through;" and the other "rate on way;" and the "average on all classes," shall be stated with reference to the respective amounts of each class actually moved.

121. General average of through and way.

TABLE L.

AVERAGE RATE CHARGED FOR PASSENGERS PER MILE.

122. For first class.
123. For second class.
124. For emigrants.
125. Average for all classes.

The amounts shall be stated in two columns; one headed and to contain "rate for through," and the other "rate for way;" and the "average for all classes," shall be stated with reference to the number of each class actually carried.

126. General average for through and way.

TABLE M.

EXPENSES OF MAINTAINING ROAD AND REAL ESTATE.

127. Repairs of road-bed and railway other than cost of rails.
128. Repairs of bridges.
129. Repairs of telegraph lines.
130. Cost of rails used in repairs.
131. Tons of steel rails used in repairs.
132. Length of same (miles and fractions).
133. Tons of iron rails used in repairs.
134. Length of same (miles and fractions).
135. Repairs of buildings.
136. Repairs of fences and gates.
137. Taxes on real estate.
138. Total expenses of maintaining road and real estate.

TABLE N.

EXPENSES OF REPAIRS OF MACHINERY AND CARS.

139. Repairs of engines and tenders.
140. Repairs of passenger and baggage cars.

141. Repairs of freight cars.
142. Repairs of tools and machinery in shops.
143. Incidental expenses, including oil, fuel, clerks, watchmen, and other expenses about shops.
144. Total expenses of repairs of machinery and cars.

TABLE O.

EXPENSES OF OPERATING THE ROAD.

145. Office expenses, stationery and other expenses about office.
146. Agents and clerks.
147. Labor in loading and unloading freight.
148. Porters, watchmen, flagmen and switchmen.
149. Fuel and water station attendance.
150. Conductors, baggagemen and brakemen.
151. Enginemen and firemen.
152. Fuel, cost and labor in preparing for use.
153. Oil and other lubricants, and waste.
154. Loss and damage of goods and babbage.*
155. Damages for injuries of persons.
156. Damages to property, including damages by fire and cattle killed on road.
157. General superintendence, or salaries of general officers.
158. Hire of cars.
159. All other items.
160. Total expenses of operating the road.

The amount stated under the several subdivisions of "expenses of maintaining road and real estate," "expenses of repairs of machinery and cars," and "expenses of operating the road," are to be those chargeable against the year's business, and are to be stated without reference (other than the weight and length of rails) to the sums actually paid therefor during the year. The amounts shall be tabulated and divided between "passenger transportation" and "freight transportation," and so far as items do not pertain specifically to either one particular kind of transportation the division shall be made in the ratio of the "total movements" of passengers and freight.

TABLE P.

AMOUNTS PAID FOR CERTAIN SPECIFIC PURPOSES INCLUDED IN FOREGOING.

161. Stationery and printing.
162. Advertising.
163. Legal expenses and counsel fees.
164. Insurance.
165. Rents.
166. Tolls.
167. Contributions and subscriptions.

TABLE Q.

TRANSPORTATION EXPENSES FOR THE YEAR.

168. Expenses of maintaining road and real estate (Table M).
169. Expenses of repair of machinery and cars (Table N).

* So in original.

170. Expenses of operating the road (Table O).
171. Total transportation expenses.
The division between "passenger transportation" and "freight transportation," hereinbefore provided for, shall be brought forward with the subdivisions of "transportation expenses," and the resulting division of "transportation expenses" shall be shown.

TABLE R.

RESULT OF THE BUSINESS OF THE YEAR.

The earnings are to be stated without reference to the sums actually received during the year.
172. Earnings:
(1) From passengers.
(2) From freight.
(3) From mails.
(4) From rents.
(5) From other sources (in detail).
(6) Total earnings.
173. Charges against earnings:
(1) Transportation expenses (171).
(2) Interest.
(3) Rentals of leased lines.
(4) Dividends — date, and rate per centum.
(5) Other items (in detail).
(6) Total charges against earnings.
174. Resulting surplus (or deficiency) for the year.

TABLE S.

"INCOME" OR "PROFIT AND LOSS" ACCOUNT.

175. Balance, surplus (or deficiency) from previous year.
176. Surplus (or deficiency) for this year as shown by Table R.
177. Any other items of gain or loss (to be added or deducted).
178. Balance, surplus (or deficiency) now.
This balance of "income," or "profit and loss," must be that which appears on the proper side of the "balance sheet" hereinafter provided for.

TABLE T.

BALANCE SHEET, AT THE END OF YEAR.

179. The "balance sheet" must be tabulated, and contain on the one side a statement of the assets of the company at the close of the year, as follows:
(1) Cost of road and equipment, as shown "by this report" in Table B.
(2) Cost of other lines owned, which may not have been included in preceding; stating each line separately.
(3) Permanent investments (in detail).
(4) Cash on hand.
(5) Cash assets (classified).
(6) Due from other railroad corporations.
(7) Fuel and supplies on hand.
(8) Sinking fund (if any).
(9) Other assets (classified and in detail).

And on the other side a statement of the liabilities of the company at the same time, as follows:

(1) Capital stock (as "by this report" in Table A).
(2) Funded debt (as "by this report" in Table A).
(3) Unfunded debt (as "by this report" in Table A).
(4) Other liabilities classified.

The balance of "income," or "profit and loss," must appear on the side on which it may fall, according to whether it be "surplus" or deficiency, and the two sides of the "balance sheet" must then be equal in footing.

The "balance sheet" in each report, after the first one shall have been made under the provisions of this act, shall be tabulated with double columns on each side; in one of which columns, properly headed, shall appear the amounts at the end of the year for which such report is made, and in the other the amounts of the corresponding items as they appear in the report for the previous year.

180. The number of persons injured in life or limb, and the cause of the injury, and whether passengers or persons employed, and whether any such accidents have arisen from carelessness or negligence of any persons in the employment of the corporation, and whether such persons are retained in the service of the corporation.

181. The names and residences of the directors of the corporation.

182. The names and official addresses of the executive and general officers of the corporation.

Maps, etc., to be transmitted to State engineer and surveyor.

183. It shall be the duty of each corporation to transmit to the State engineer and surveyor the following maps, profiles and drawings exhibiting the characteristics of their roads; the map to show the length and direction of each straight line, and the length and radius of each curve; also the point of crossing of each town and county line, and the length of line in each town and county, accurately determined by measurements to be taken after the completion of the road. The profiles to be on the map, and shall show the grade line and surface of ground in the usual method, also the elevation of grades above tides at each change in the inclination thereof. The maps and profile to be made on a scale of five hundred feet to one-tenth of a foot; vertical scale of profiles to be one hundred feet to one-tenth of a foot. For all roads or parts of roads now done, or in operation, and for which such maps and profiles have not already been returned, they shall be returned on or before the first day of January next; and for all roads now in progress, or which may hereafter be constructed, the said maps and profiles shall be returned within three months after the same or any portion thereof shall be in use.

Profiles to show grade.

State engineer to prepare report in tabular form for legislature.

184. It shall be the duty of the State engineer and surveyor to arrange the information contained in such report in tabular form, and prepare the same, together with the said reports, in a single document, for printing, for the use of the legislature, and report the same to the legislature as early as may be practicable in each year.

185. The provisions of this section shall apply to all existing railroad corporations; and the report of the said existing railroad corporations, made in pursuance of the provisions of this section, shall be deemed to be a full compliance with any existing law or resolution requiring annual reports to be made by such corporations, or either of them.

§ 2. This act shall take effect immediately.

CHAP. 576.

AN ACT to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in cities of sixteen thousand inhabitants or upwards, and the towns and villages abutting against the boundary of any such cities.

PASSED June 23, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inspectors of election in each of the cities of the State, whose population exceed sixteen thousand, and in each of the towns whose boundary line shall abut against any such city, shall meet annually on the Tuesday three weeks preceding the general election, at nine o'clock in the forenoon, at the place designated for holding the poll of said election, and organize themselves as a board for the purpose of registering the names of the legal voters of such district, and for this purpose they shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath or affirmation as prescribed by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors. The said board shall then proceed to make a list of all persons qualified and entitled to vote at the ensuing election, in the election district of which they are inspectors. Said list when completed shall constitute and be known as the register of electors of said district. The said inspectors, at their first meeting on Tuesday, three weeks preceding the general election, shall have the power, if necessary, to sit two days for the purpose of making said list, provided that at the annual election next prior to said meeting, the number of voters in the district of which they are inspectors exceeded four hundred. No person shall be eligible as such inspector, unless he shall be a qualified voter within such election district, nor unless he can read, write and speak the English language understandingly. No building or part of a building shall be designated or used as a place of registry or polling place in which, or any part of which, spirituous or intoxicating liquor is or has been sold within sixty days preceding the time of using the same. The said inspectors of election and registry shall also form a board of inspectors of election for the purpose of holding an election, by appointing one of their number as chairman; but it shall not be necessary for them to take any other or further oath of office than is herein provided for. The several officers of inspectors of registry and elections herein named are, and shall be in all courts and proceedings deemed and held respectively to be election district officers. It shall be the duty of the said inspectors, respectively, to be in constant attendance during the hours allotted for the discharge of their several duties, and any inspector who shall willfully absent himself from his duties shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars.

Inspectors to meet annually three weeks before election and form board of registry.

List of voters to be made.

May sit two days at first meeting.

Only qualified voters to act as inspectors.

Board of inspectors.

To be in constant attendance during hours allotted.

§ 2. Said registers shall each contain a list of the persons qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show in one column the names at full length, and in another column, in incorporated vil-

Registers to contain list of qualified voters, etc.

lages, the residence by the number of dwelling, if there be a number, and the name of the street or other location of dwelling-place of each person. It shall be the duty of said inspectors to enter in said list the names of all persons residing in their election district where names appear on the poll-list kept in said district at the last preceding general election; and in all villages which come under the provisions of this act, to enter the number of the dwelling and name of street or other location, if the same shall be known to or can be ascertained by such inspectors, and for such purpose said inspectors are authorized to take from the office in which they are filed the poll-list made and filed by the inspectors of such district at the general election held next prior to the making of such register. In case a new election district shall be formed, the said inspectors shall enter in the list the names of such persons entitled to vote in the new election district, whose names appear upon the poll-list of the last general election kept in the district or districts from which said new election district is formed. The said inspectors shall complete, as far as practicable, the said register on the day of their maturing* aforesaid, and shall make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, as far as the same are known to them; within two days thereafter the said original list, together with the list taken from the office as aforesaid, shall be filed by said inspectors in the office of the town clerk of the town, and in the office of the village clerk in which such election district may be. One copy of said list shall, immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same or make copies thereof.

All names appearing on poll list to be entered.

In case new election district is formed.

List to be completed as far as possible on day of meeting.

List to be filed.

§ 3. The said board of inspectors shall meet on the Friday of the week preceding the day of general election, in their respective election districts, at the place designated for holding the polls of election, for the purpose of revising and correcting said lists; and for this purpose they shall meet at nine o'clock in the forenoon, and remain in session until seven o'clock in the afternoon of that day; and they shall there revise, correct, add to and subtract from, and complete the said lists; and shall on that day add to the said list the names of any person who would, on the said first Tuesday of November, be entitled, under the provisions of the constitution and the laws of this State, to exercise the right of suffrage in their respective election districts. But in making such addition on that day, or on any prior day, they shall not place on the said list the name of any person except in strict compliance with the provisions of section two and section four hereof, and the other provisions of this act.

Second meeting to be on Friday preceding election and revise lists.

Addition of names.

§ 4. The proceedings of said board of inspectors shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said inspectors in relation to corrections or additions to said register. One of the lists so kept by said inspectors as aforesaid shall be used by them on the day for making corrections or additions for the purpose of completing the registry for such district. No addition shall be made to the said register of the name of any person, nor shall the name of any person be placed thereon except of one who shall have appeared in person before the said board; and any person not born in the United States, on applying to have his name placed on the registry, shall prove that he is a citizen of the United

Proceedings to be open.

Only names of persons appearing before the board to be added.

* So in original.

States, by producing a certificate of naturalization from a court of competent jurisdiction; or, in case of loss of such certificate, he shall show to the satisfaction of the board of registry that he is a naturalized citizen. Proof of citizenship.

§ 5. It shall be the duty of said inspectors, at their meeting for revising and correcting said list, to erase therefrom the name of any person inserted therein who shall be proved to the satisfaction of said inspectors to be a non-resident of said district, or otherwise not entitled to vote in said district at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board of inspectors, and require his name to be recorded on said alphabetical list, and upon complying with the requirements of this act the same shall be recorded. Any person so requiring his name to be entered on said list shall make the same statement as to the street or number thereof, and where he resides, required by the provisions of this act of persons offering their votes at the election, and shall be subject to the same pains and penalties for refusing to give such information, or for falsely giving the same, and shall be also subject to challenge, either by the inspectors, or either of them, or by any other elector whose name appears upon said alphabetical list, and the same oath may be administered as to persons offering to vote at an election. Names of persons found not to be legal voters to be erased. Electors may appear and require their names to be recorded. Statements, etc., to be made.

§ 6. After said list shall have been fully completed, the said inspectors shall cause six copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be filed in the office of the town clerk of towns, and of the clerk of the village, and in the office of the county clerk of the county, and one of which copies shall be retained by each of the said inspectors. It shall be the duty of the said inspectors carefully to preserve the said list for their use on election day, and to designate one of their number, or one of the clerks, at the opening of the polls, to check the names of every voter voting in such district, whose name is on the register; and no vote shall be received at any annual election in this State unless the name of the person offering to vote be on the said registry, made and completed as hereinbefore provided, preceding the election; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law. This section shall be taken and held by every judicial or other tribunal as mandatory and not as directory. And any vote which shall be received by the said inspector of election in contravention of this section shall be void, and shall be rejected from the count in any legislative or judicial scrutiny into any result of the election. Six copies to be made. How to be disposed of. Lists to be preserved. Only persons whose names appear on registry to vote. This section mandatory.

§ 7. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll-list kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinafter required of inspectors, in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter. Every elector, at the time of offering his vote, shall, if required, truly state the street in which he resides; and if the house, lodging or tenement, in which he resides is numbered, the number thereof, and the clerks of the polls shall truly enter in the appropriate column of the poll-list opposite the name of the elector, the street in which the elector resides and the number in case the house, lodging or tenement is numbered; and if the same is not numbered, then the clerk shall enter "not numbered" in the column of the poll-list for entering the number, and in case of refusal to make the statement as aforesaid, the vote of such Entry to be made by clerks at each poll. Statements to be made by electors.

Punishment for willful false statements.

elector shall not be received. Any person who shall willfully make any false statement in relation thereto shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail of the county, where such voter offers to vote, for a period of ten days, or by both such fine and imprisonment.

Poll-list to be checked.

§ 8. After the canvass of the votes, the said poll-list and said register so kept and checked as aforesaid shall be attached together, and shall, on the following day, be filed in the town clerk's office of the town in which said district shall be; and in case the district is in a village, in the office of the clerk of such village, and, also, in the county clerk's office of the county, to be used by the inspectors in making the list of voters at the next general election.

Clerk for board of registers.

§ 9. The said board may, if necessary, on the day or days of the making and the correction of such list, appoint a clerk to assist them in the discharge of the duties required by this act; and the same oath shall be taken by such clerk as is required by law of clerks of the polls and of elections.

Registers to be open and public.

§ 10. The registers shall, at all times, be open to public inspection at the office of the authorities in which they shall be deposited, without charge.

Compensation.

§ 11. The members of the board of registration and their clerks shall each receive the same compensation as is now allowed by law for inspectors of elections, for each day actually employed in making and completion of the registry, to be paid to them at the time and in the manner in which they are paid their other fees. The necessary blanks and instructions, and other incidental expenses incurred in executing the provisions of this act, shall be provided and paid for in the manner now provided for the payment of incidental expenses of election of the like character.

Blanks, etc.

Power to preserve order.

§ 12. The said board shall have and exercise the same powers in preserving order at their meetings under this act, as are given to inspectors of election for preserving order on election days.

Administration of oaths.

§ 13. Any one of the inspectors may, at any authorized meeting of the board, administer the oath or oaths now required by law to test the qualification of electors, and may also administer on the day of the making and completion of the list, to any elector of the district who may be offered as a witness to prove the qualification of any person claiming the right to be registered, the following oath: "You do swear, or affirm, that you are an elector of this district; that you will fully and truly answer all such questions as shall be put to you touching the place of residence and other qualifications as an elector of the person now claiming the right to be registered as a voter in this district." And whoever shall willfully swear falsely upon such examination shall be deemed guilty of perjury.

Form of oath.

Punishment for falsely registering, etc.

§ 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter, in the town or district where said registry is made, or who shall falsely personate any registered voter, and any person causing any such act, or aiding or abetting any person in any manner in either of said acts, shall be punished for each and every offense, by imprisonment in the State prison for not less than one year. All false swearing before said board of registration shall be deemed willful and corrupt perjury; and on conviction punished as such. If any member or officer of said board shall willfully violate

False swearing perjury.

any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the State prison for not less than one year.

Same list required for general, to be made for special and town elections.

§ 15. The same list required to be made and perfected at general elections shall, in the same manner, be made and perfected by the inspectors or other officers of election at all elections for town and village officers, and all elections for school trustees, or boards of education, in any village, wherein, under the provisions of law, any of the villages mentioned in this act elect school trustees or boards of education by ballot; and the provisions and requirements of this act, so far as the same may be, are made applicable to such elections, except that the officers required to make such registries shall meet for that purpose on the Friday preceding the town or village charter election, and on the Friday preceding the election for school officers for the purpose of making up, revising, correcting and completing such register.

First meeting.

Secretary of State to print and distribute this act.

§ 16. The secretary of State shall cause this law to be printed, and a sufficient number of copies thereof sent to the county clerks of the several counties in which there are towns and villages which come under the provisions of this act to supply each of the officers mentioned or named in this act, with a copy, and it shall be the duty of the said county clerks immediately to transmit a copy of the same to each of the election officers mentioned in this act.

Act not to apply to vote cast by persons in naval or military service of U. S.

§ 17. Nothing in this act contained shall be held to apply to any vote cast, or offered to be cast, nor to any vote under or by virtue of the provisions of any law enacted to enable qualified electors of this State, absent therefrom in the military service of the United States, or in the army or navy thereof, to vote.

To apply to Richmond county.

§ 18. The provisions of this act shall apply to the towns of Richmond county.

Not to apply to town except twenty-five electors, petition for such registry.

§ 19. This act shall not apply to any town unless at least twenty-five electors thereof shall petition the supervisor of said town for such registry, at least one week before the time for meeting of the inspectors mentioned in the third section of this act, which petition shall be immediately filed by said supervisor in the town clerk's office of said town, which clerk shall at once notify the said inspectors; nor shall this act be construed to repeal or in any manner interfere with any general or special act for a registry of voters in any of the cities, villages or towns of this State.

Persons not in certain incorporated villages not on registry may vote on making proof specified.

§ 20. No vote shall be received at any general election in this State, unless the name of the person offering to vote be on the said registry made on the Friday preceding the election, except that the person offering to vote in any district not in an incorporated city nor in an incorporated village having over ten thousand inhabitants, shall furnish to the board of inspectors his affidavit giving his reasons for not appearing on the day for correcting and verifying the list, and prove by the oath of a householder of the district in which he offers his vote that he knows such person to be an inhabitant of the district; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law.

Inspectors may take affidavits.

At any general election hereafter held in this State, any of the inspectors of such election may take the affidavit herein required by law to be furnished by persons offering to vote whose names are not on the registry of electors; and such inspectors, or one of them, shall, upon request,

take and certify such affidavit without fee or reward. All other officers authorized by law to take affidavits shall at all times, upon request, take and certify any affidavit so required to be furnished as aforesaid, without any charge therefor.

§ 21. This act shall take effect immediately.

CHAP. 577.

AN ACT for the relief of the Attica and Arcade Railroad Company.

PASSED June 22, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Railroad may make its northern terminus at Currier's Corners, etc.

SECTION 1. The Attica and Arcade Railroad Company is hereby authorized to make its northern terminus at or near Currier's Corners, in the town of Java, in the county of Wyoming, and is hereby released and relieved from the forfeiture of its charter by reason of its failure to begin the construction of its road and to expend thereon ten per centum on the amount of its capital stock within five years after its articles of association were filed and recorded in the office of the secretary of State and also by reason of its failure to finish its said road and put it in operation within ten years from the time of its so filing and recording its articles of association.

Company to possess all rights it would have if its organization had been regular.

§ 2. The said company shall possess all the powers and rights it would have possessed in case all its acts and proceedings had been in conformity to the provisions of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amending the same and relating thereto.

Three feet gauge.

§ 3. The said company is hereby authorized to construct its road with a three feet gauge, and to charge and receive the same rates of passenger fare, and with the same privileges and restrictions as to distances, length of road, weight of rails and otherwise, as other railroad companies having a similar gauge.

§ 4. This act shall take effect immediately.

CHAP. 578.

AN ACT to amend chapter two hundred and twenty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act passed May ninth, eighteen hundred and sixty-eight, entitled 'An act to amend section three of chapter eight hundred and seventeen of the laws of eighteen hundred and sixty-six, entitled 'An act to lay out and construct a road from the river road in township number fourteen, in the town of Johnsburgh, to the Carthage road near the head of Long lake in the county of Hamilton.'"

PASSED June 24, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter two hundred and twenty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act passed May ninth, eighteen hundred and sixty-eight, entitled 'An act to amend section three of chapter eight hundred and seventeen of the laws of eighteen hundred and sixty-six, entitled 'An act to lay out and construct a road from the river road in township number fourteen, in the town of Johnsburgh, to the Carthage road, near the head of Long lake in the county of Hamilton,'" is hereby amended so as to read as follows: Sec. 3, chap. 227, Laws of 1872, amended.

§ 3. The foregoing act is hereby so amended that the same shall be extended and remain and continue in force until said commissioners shall, within one year from the passage of this act, receive, lay out and expend pursuant to the provisions of said act all such non-resident highway taxes as were assessed prior to the first day of January, eighteen hundred and seventy-nine, and no longer. This act shall not be construed to appropriate any taxes for the purposes of said act which were not assessed before the last named day on the lands therein named. Act extended to remain in force till comrs. expend non-resident highway tax. Act how to be construed.

§ 2. This act shall take effect immediately.

CHAP. 579.

AN ACT in relation to the opening of streets, avenues and public parks or places in the city of New York.

PASSED June 24, 1880: three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the department or board of the city of New York, having the direction or charge of the opening of any street, avenue or public park or place, to furnish to the commissioners of estimate and assessment, that may be appointed in any proceeding to open any street, avenue or public park or place in said city, such surveys and maps as may be required by them in such proceeding. The expense of such surveys and maps shall not be included Surveys and maps to be furnished. Expense of

in any assessment in such proceeding. Such surveys and maps shall be made by surveyors in the regular and stated employment of such department, and it shall be the duty of the board of estimate and apportionment of the city of New York, annually, to make provision for the expense of procuring and preparing the same. The fees of such commissioners of estimate and assessment, exclusive of necessary disbursements hereinafter mentioned, shall not exceed in the aggregate the sum of twenty cents a foot for the lineal extent of the street or avenue or the portion thereof so to be opened or altered; but when the assessment district shall extend beyond the street or avenue lying nearest to and having the same general direction as the street to be opened, the fees of such commissioners of estimate and assessment may be increased in the aggregate to not exceeding twenty cents for every twenty-five hundred square feet of territory embraced in the assessment district lying beyond the said nearest street or avenue; but in any case such additional fees of said commissioners shall not exceed ten cents for each lineal foot of the street or avenue or portion thereof to be opened or altered. No costs, charges or expenses of any description shall be allowed in such proceeding, or charged on any lands affected thereby, except the compensation of the commissioners as above limited, and their necessary disbursements for room rent actually paid, but in no case to exceed one dollar per day; for advertising, printing or posting any notices required by law, and for any other necessary incidental expense, not exceeding one hundred dollars.

Fees of commissioners of estimate.

Costs and charges.

§ 2. Streets or avenues, or portions thereof, which are continuations of each other in the same general direction, and no others, may be embraced in the same proceeding for the opening thereof, and in case of the opening of any street or avenue, or portions of any street or avenue, where the street or avenue, or portions thereof, sought to be opened shall have been laid down and shown upon any general map or plan made and filed in pursuance with any law of the State of New York, relative to the mapping and planning of streets and avenues in said city, where no buildings for which compensation can lawfully be made shall be taken, the assessment district shall not extend beyond the center line of the blocks adjacent thereto, nor beyond the ends of the street or avenue, or portions thereof, sought to be opened.

Which values may be embraced in same proceeding.

§ 3. The owners of land and of all the estate therein embraced within the lines of any street or avenue laid down and shown on any such general map or plan, and comprising all the land within said lines in an entire block in extent, may, without compensation, and at their own expense, convey all their right, title and interest therein, providing the same shall be free from incumbrance, to the mayor, aldermen and commonalty of the city of New York, and upon the delivery of such conveyances to the counsel to the corporation of said city, with the money necessary to record such conveyances, and affidavits made by all of such owners to the effect that the persons making them are the owners of the estates in such lands so conveyed by them respectively, and stating their interests, and that such estates in such lands are free of all incumbrances, together with abstracts of title, if desired by such counsel to the corporation, it shall be the duty of such counsel to the corporation to examine such conveyances and papers, and if such titles shall not be rejected for good cause by such counsel, he shall cause the said conveyances to be recorded in the office of the register of the city and county of New York, within sixty days after their delivery to him, and file them with the comptroller of such city, and thereupon the said the mayor, aldermen and commonalty of the

Owners may convey at their own expense lands free from incumbrance, etc.

Duty of counsel to the corporation.

city of New York shall become vested with the title to said lands to the same effect and extent as if they had been acquired by a proceeding taken for the opening of that portion of said street or avenue; after the making and acceptance of such conveyances, no proceedings to open the lands so conveyed shall be taken or maintained, nor shall the lands fronting on that portion of the street or avenue so conveyed, and extending to the center of the block on either side of such portion of said street or avenue so conveyed, be chargeable with any portion of the expenses of opening the residue or any portion of the residue of such street or avenue, except the due and fair proportion of the awards that may be made for buildings as aforesaid.

After conveyance no proceedings to acquire title to be taken.

§ 4. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 580.

AN ACT to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers."

PASSED June 25, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers," is hereby amended so as to read as follows:

§ 10. Nothing herein contained shall apply to the counties of Sullivan, Putnam, Greene, Monroe, Onondaga, Columbia, Seneca, Essex, Delaware, Cortland, Queens, Madison, Oswego, Rensselaer, Livingston and Erie.

§ 2. This act shall take effect immediately.

CHAP. 581.

AN ACT in relation to unpaid taxes and water assessments in Long Island City.

PASSED June 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within ten days after the passage of this act the mayor of Long Island City shall appoint three residents and freeholders of said city as commissioners to revise, correct and reduce the valuation of all lands and tenements in said city upon which any general or local tax or water assessment levied since the first day of January, eighteen hundred and seventy, shall remain unpaid at the time of the passage of this act, as hereinafter provided.

Commissioners to revise valuations.

§ 2. Said commissioners shall be known as the commissioners for the revision and correction of valuations for purposes of taxation in

How known.

Official oath.

Record of of proceedings.

Compensation.

Allowance for clerical services.

Long Island City. They shall before entering upon their duties take and file in the office of the city clerk of said city the constitutional oath. Said commissioners shall act as a board and keep a true and correct record of all their meetings and proceedings, and they shall act by majority; they shall continue in office for the purposes of this act, at a compensation of three hundred dollars for each commissioner. They shall also be allowed six hundred dollars for clerical services, advertising and office expenses, until the first day of September, eighteen hundred and eighty. Said compensation shall be drawn from the city treasury upon the requisition of the commissioners. Upon the occurrence of any vacancies in said commission by death, resignation or refusal to serve, or any other cause, the mayor of said city shall at once appoint another commissioner or commissioners to fill such vacancy or vacancies.

Organization.

§ 3. Said commissioners shall organize by the appointment of one of their number as chairman, and they shall also have power to appoint a clerk, who shall keep a minute book in which shall be entered a faithful record of the proceedings of said commissioners under this act. Said minute book, upon the final adjournment of said commissioners, shall be filed in the office of the city clerk of said city. The

Per diem of clerk.

clerk to said commissioners shall receive the sum of three dollars a day for each day actually engaged in the service as full compensation for his services, said amount to be paid upon the requisition of said commissioners, and no other charge, cost or expense of any kind shall be made or incurred by said commissioners, except for necessary stationery and necessary advertising under this act.

Meetings.

§ 4. The meetings of said commissioners shall be held in said city at times and places to be determined by them, or a majority of them.

Assessed valuations may be reduced, and assessments for water rates modified or reduced.

§ 5. The assessed valuation heretofore made of any lands or tenements in said city laid for the purpose of taxation and upon which real estate, lands and tenements, any general or local tax remains unpaid at the time of the passage of this act, may, in the manner herein provided, be revised, modified or reduced by the said commissioners, and assessments for water rates heretofore laid may also be revised, modified or reduced.

When notice of valuation complained of, etc., is given, commissioners to investigate and revise and correct same.

§ 6. Whenever the owner or owners of any real estate in said city, which has during any of said years been valued or assessed by the assessors of said city for purposes of taxation or assessed for water rates, and upon which real estate any general or local tax levied thereon during any of said years remains unpaid, shall file with said commissioners a notice giving a description or designation of such real estate and specifying the particular assessment or valuation complained of, and the year or year* or years when the same was made and the objections thereto, it shall be the duty of said commissioners to inquire into the facts and circumstances relating to the particular assessment or valuation referred to in such notice or objections so made, and to hear the proof in support of such objections, with power in every such examination to administer oath or affirmations, and thereupon they may revise, correct and reduce the said assessments or valuations upon such pieces or parcels of land for any or all of said years.

List revised and corrected to be certified and filed.

§ 7. The list of valuations or assessments so revised, corrected and reduced shall be certified by said commissioners in proper form, and filed in the office of the city treasurer and receiver of taxes of said city, and upon such filing the valuation or assessment of the several parcels of land mentioned and described in said list shall constitute

*So in the originals

the valuation of the same for the said several years respectively, notwithstanding the previous assessment or valuation of the same in any of said years.

Treasurer to compute amount of taxes, etc.

§ 8. It shall be the duty of the treasurer and receiver of taxes of Long Island City, immediately upon the receipt of said list, to compute and ascertain the amount of taxes upon each of the parcels of land therein described, based and calculated upon the valuations or assessments as made by said commissioners, at and after the rate or percentage lawfully adopted and levied upon other real estate in said city for general and local taxes, for each of the said several years respectively, and to carry out the same in a proper column opposite to, and on a line with, such assessment or valuation, for each of said several years, upon the said several parcels of land respectively. And thereupon the amount of said taxes and water assessments, as so computed and ascertained, shall be the true and only amount of taxes and water assessments, except as hereinbefore provided, upon said several parcels of land for said years respectively, in all respects the same as if the said sum had been originally levied and confirmed according to law upon and against the same in each of said years respectively. And the owners of any or either of said parcels of land, upon payment to said treasurer, on or before the fifteenth day of December, eighteen hundred and eighty, of the amount of said taxes and water assessments upon the same as so computed and ascertained, together with interest at six per cent per annum, shall have his said lands released, freed and discharged from all taxes and water assessments levied upon the same for each and every of said years, in the same manner and with the like effect as if the said revised amount of taxes and water assessments had been duly and lawfully levied thereon in each of said years respectively; and the taxes upon said several pieces or parcels of land levied thereon in each of said years, respectively, shall, upon such payment, cease to be a lien thereon in the same manner, and to the same extent as if the same had been paid in full.

Amount so computed to be true amount.

Payment of amount on or before day named to discharge them.

If not paid, revision, etc., to be void.

§ 9. In all cases of such revision and reduction where the taxes or water rates as so revised or reduced shall not be paid upon or before the fifteenth day of December, eighteen hundred and eighty, such revision and reduction shall be null and void, and the said taxes and water rates shall stand and remain in force as if the same had never been so revised or reduced.

Legal advice.

§ 10. The said commissioners may call upon the corporation counsel for all legal advice deemed necessary in connection with their proceedings. Such legal services shall be rendered by the corporation counsel without charge.

§ 11. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 12. This act shall take effect immediately.

CHAP. 582.

AN ACT to provide for excavating and tunneling and bridging for transportation purposes within villages and cities of this State.

PASSED June 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When necessary to build road under ground or under water, company may enter upon and acquire title to lands.

SECTION 1. Whenever according to the route and plans adopted by any railroad company heretofore or hereafter formed under any special act of the legislature of this State, or under chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," and all acts supplementary thereto or amendatory thereof for the building of its railroad, it shall be necessary or proper to build said road, or any part of the same underground, or to tunnel or bridge any river or waters, it shall be lawful for said company to enter upon and acquire title to and use such lands under water and uplands, except on or along any canals owned by the State, as shall be necessary for purposes herein mentioned, and they shall have the power to construct, erect and secure the necessary foundations and other structures which may be required for the operating of such road or connecting the same with another, and for maintaining the same, and purchase or acquire, in the manner now provided by law, such land or rights or easements in land along their said route upon, over or beneath the surface thereof, as may be necessary for the building of their said road and making such connections; provided, however, that where said road runs underneath the ground at such depth as to enable said company to tunnel the same, such tunnel shall be so built and at all times kept in such condition as to make the surface of the ground above the same and in the neighborhood thereof firm and safe for buildings and other erections thereon, and, in case surface excavations are made, as soon as can be done the surface shall be restored to its former condition, except so far as may be actually required for ventilation of the tunnel beneath the same or access thereto; and provided, further, that whenever such road, or any part of the same, is intended to be built within the limits of any city or incorporated village of this State and to run by means of a tunnel underneath any of the streets, roads or public places thereof, the said company, before building the same underneath any of said streets, roads or public places, shall obtain the consent of the owners of one-half in value of the property bounded on the line, and the consent of the board of trustees of the village by resolution adopted at a regular meeting and entered on the records of said board, and of the proper authorities having control of said streets, roads or public places; or in case such consent of the owners of property bounded on the line cannot be obtained, the general term of the supreme court in the district in which such city or village is situated may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be allowed to be built underneath said street, roads and public places, or any of them, and in what manner the same may be so built with the least damage to the surface, and to the use of the surface by the public, and the determination by said commissioners, con-

May construct masonry foundations, etc.

Tunnel to be built so as to surface of ground firm and safe.

When consent of owners must be obtained.

In case owners do not consent, general term of supreme court may appoint commissioners to determine whether road ought

firmed by the court, may be taken in lieu of the consent of said authorities and property owners. And provided, further, that when any railroad company constructs, under this act, its railroad under any part or within the limits of any city or incorporated village of this State, subject to the provisions and limitations of this act, it shall be lawful for any other railroad company to connect its road therewith at such points or places as such company may elect, and all railroad companies constructing their road or roads under the provisions of this act shall be subject to all the provisions of an act entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and all acts supplementary thereto and amendatory thereof; and further, at such point or points, place or places, where such connections shall be made by connecting roads, the railroad companies owning such roads shall build, at their joint expense, and for their joint use, such passenger and freight depots, and other accommodations for handling passengers and freight as may be required for the convenience of the public.

to be built, etc. Proviso as to connection with other roads in cities and villages.

§ 2. Any such railroad company, the greater part of whose road-bed according to its said route and plan is to be below the surface of the ground, and whose road does not exceed three miles in length, may at any time after its said route shall have been adopted, and the map thereof shall have been filed as required by law, merge and consolidate its capital stock, franchises and property with the capital stock, franchises and property of any other railroad company organized under the laws of this or any other State, in the manner now provided by law for the consolidation of railroad companies, whenever the railroads of said companies so to be consolidated may together form a continuous line of railroad, provided such consolidation shall not prevent all connecting railroads from having equal rights of transit for their passengers and freight through the tunnel upon the same equitable terms.

Consolidation with other companies.

§ 3. All railroad companies constructing any tunnel under this act shall be liable to any person or corporation for all damages which may be sustained by reason of the construction of such tunnel. Whenever it shall be necessary, in constructing any railroad authorized by this act through any city or incorporated village, to alter the position or course of any sewers or water or gas pipes, the same shall be done at the expense of such railroad company or companies, under the direction of the department or corporation having charge thereof, so as not to interfere with said work. In all cases the use of the streets and docks and lands beneath which said railroad is constructed, and on the route thereof, and the right of way beneath the same for the purpose of said railroad, shall be considered and is hereby declared to be a public use consistent with and one of the uses for which its streets, avenues and docks are publicly held.

Liability for damages.

§ 4. Nothing in this act shall be construed to authorize the building in any city or village of this State of any railroad to run upon the surface of any street or of any elevated railroad not now provided for by law. Nothing in this act shall be construed to repeal or modify any part of chapter three hundred and eighty of the laws of eighteen hundred and seventy-eight, entitled "An act relating to the public place or square known as Washington park in the city of New York," or to authorize the use or occupation by any company or companies of any public park or square in any city or village of this State for any of the purposes of this act, or to permit the construction of an open cut railroad in or through any street or public place in any such city

Act not to be construed to allow building of surface or elevated roads.

or village, but every road constructed under the provisions of this act, in or through any such street or public place, shall be wholly underground, and constructed in a tunnel and not otherwise.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

CHAP. 583.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act entitled 'An act to authorize the formation of railroad corporations and to regulate the same.'"

PASSED June 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Paragraph 6, sec. 28, chap. 140, Laws of 1850, amended.

SECTION 1. Paragraph six of section twenty-eight of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," is hereby amended so as to read as follows:

Right to cross, intersect, etc., other railroads.

6. To cross, intersect, join and unite its railroad with any other railroad before constructed, at any point on its route and upon the ground of such other railroad company with the necessary turn-outs, sidings and switches and other conveniences in furtherance of the objects of its connection. And every company whose railroad is or shall be hereafter intersected by any new railroad shall unite with the owners of such new railroad in forming such intersections and connections and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the line or lines, the grade or grades, points and manner of such crossing and connections, the same shall be ascertained and determined by commissioners, one of whom must be a practical civil engineer, to be appointed by the courts, as is provided in this act in respect to acquiring title to real estate; and said commissioners shall have full power to determine whether the crossing or crossings of any railroad before constructed shall be beneath, at or above the existing grade of any such railroad, and upon the route designated on the map of the company seeking the crossing required to be filed by section twenty-two of this act, or otherwise. And all companies whose railroads are or shall hereafter be crossed, intersected or joined as aforesaid, shall receive from each other and forward to their destination all goods, merchandise and other property intended for points on their respective roads with the same dispatch and at a rate of freight not exceeding the local tariff rate charged for similar goods, merchandise and other property received at and forwarded from the same point for individual and other corparations.

Proceedings in case two corporations cannot agree.

Companies shall receive from such other and forward freight.

§ 2. Nothing in this act contained shall apply to any street surface railroad in the city of New York.

§ 3. This act shall take effect immediately.

CHAP. 584.

AN ACT to amend chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other game."

PASSED June 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of chapter five hundred and thirty-four of the laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other game," is hereby amended so as to read as follows: Sec. 8, chap. 534, Laws of 1879, amended.

§ 8. No person shall kill, expose for sale, or have in possession after the same has been killed, any quail, between the first day of January and the first day of November, except as hereinafter provided; no person shall kill, or expose for sale, or have in possession after the same has been killed, any hare or rabbit, between the first day of February and the first day of November, nor at any time kill or hunt any hare or rabbit with ferrets. This shall not prevent the owners or occupants of nurseries or orchards, in any of the counties of this State, from trapping or hunting hares or rabbits, with ferrets or otherwise, within the limits of said nurseries or orchards, or any forest or field adjoining such nurseries or orchards, and the possession of any hare or rabbit may be excused by any person proving the same to have been caught or killed within the limits aforesaid. No person shall kill any quail in the counties of Montgomery, Schenectady, Saratoga or Albany, within two years from the passage of this act. Any person violating either of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto, shall be liable for any violation of the first provision to a penalty of twenty-five dollars for each quail, hare or rabbit so killed, exposed for sale, or had in possession. Killing or having in possession ferrets, hares or rabbits prohibited. Owners of orchards, etc., may kill hares and rabbits. Quail in certain counties. Misdemeanor. Penalty.

§ 2. Section twelve of said act is hereby amended so as to read as follows:

§ 12. No person shall at any time, in this State, kill or expose for sale, or have in possession after the same is killed, any eagle, woodpecker, nighthawk, yellow bird, wren, martin, oriole or any song bird, under a penalty of five dollars for each bird so killed, exposed for sale, or had in possession. Killing eagles, etc., prohibited. Penalty.

§ 3. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. No person shall kill, or expose for sale, or have in possession after the same has been killed, any robin, meadow lark, or starling save only during the months of October, November, December, under a penalty of five dollars for each bird so killed, exposed for sale, or had in possession. Killing robins, etc., prohibited.

CHAP. 585.

AN ACT for the prevention of accidents to children.

PASSED June 25, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

No minor child to ride on platform of cars, etc.

SECTION 1. No minor child within this State not being a passenger shall be allowed upon the platform or steps of any railroad car drawn by steam, or of any omnibus, street car or other vehicle drawn by horses, and the parents or guardians of any child who shall permit such child to ride or play upon the steps or platform of any such railroad car, omnibus, street car or other vehicle, shall be punished on conviction by a fine not less than five nor more than ten dollars.

Constables to make arrest. Fine.

§ 2. It shall be the duty of all constables and policemen within this State to arrest any child or children violating the provisions of this act. And any such child or children shall likewise on conviction be punished by a fine not exceeding five dollars for each offense.

§ 3. This act shall take effect immediately.

CHAP. 586.

AN ACT to incorporate the Supreme Council of Royal Templars of Temperance, and to provide for the organization of select councils, and a grand council for the State of New York.

PASSED June 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Cyrus K. Porter, Lorenzo M. Kenyon, Simon P. Green, Thomas Maytham, Pardon A. Ross, John Lyth, Zadoc J. Norton, William S. Dillingham, Adoniram J. Winship, all of the city of Buffalo and State of New York, and all persons who are now or may hereafter become associated with them or their successors, are hereby created and constituted a body politic and corporate, by the name and

Corporate name and powers.

title of "Supreme Council of Royal Templars of Temperance," and as such shall have perpetual succession, and shall be capable of suing and being sued, in all courts of record and elsewhere, and of taking, holding, purchasing, granting and conveying real, personal and mixed property, for the use and benefit of said supreme council, to an amount not exceeding one hundred thousand dollars, and to have and use a common seal, and alter the same at pleasure.

Place of business, etc.

§ 2. The corporate location of said supreme council shall be in the city of Buffalo, and its principal business office shall be permanently established in that city, and all regular meetings of the board of directors and the annual meeting of the corporators shall be holden in the said city of Buffalo, at such time as a majority of the corporators and their associates may by by-law elect.

Objects and purposes.

§ 3. The objects of said corporation shall be to improve the moral, mental and social conditions of the membership of the order; to induce men to lead sober, industrious and Christian lives; to prevent, by

just means, the growth of intemperance; to aid in saving from its evil effects those already addicted to intemperate habits, and to aid and assist the membership and their families in case of want, sickness or death.

§ 4. It shall be lawful for said corporation to create, hold, manage, collect and disburse a fund sufficient to pay a death benefit, which in no case shall exceed the sum of five thousand dollars on the death of any one person, and expenses incident to the collection and disbursement of the same, under such rules and regulations as may be adopted by said supreme council, and not in conflict with the laws of this State; provided that such fund shall in no case exceed the amount of one assessment, or ten thousand dollars. Said supreme council shall be at liberty to pay to a member who may become permanently totally disabled for life, a sum not to exceed one-half of the amount that would have become due or payable had the person so disabled died at the time of becoming disabled. Fund to pay death benefit.

§ 5. The collection, management, disbursement of said beneficiary fund as well as the person or persons to whom, and the manner and time in which the same shall be paid on the death or disablement of a member, shall be regulated and controlled by the rules, regulations and by-laws of said supreme council, and such beneficiary fund so provided shall be exempt from execution and shall not be liable to be seized, taken or appropriated by any legal or equitable process to pay any debt of such deceased or disabled member. Collection, etc., of.

§ 6. Said corporation shall have power to make, from time to time, such by-laws, rules and regulations as they shall judge proper for the election of officers or prescribing their duties, and the mode of dismissing the same; for the admission of new members to said supreme council, the power to promulgate the general laws for the government of the grand council of this State, to set apart said grand council as an independent beneficiary jurisdiction, in accordance with the laws of the supreme council, and not in conflict with the laws of this State or of the United States. By-laws, etc.

§ 7. Said corporation shall have the right to originate and regulate the means of its own support, fixing the amount and the time of payment of all fees, dues or assessments from said grand council or from select councils of the order, within this State, and shall have the power to suspend the grand or any select council in this State for neglecting or refusing to comply with the by-laws, rules or regulations of said supreme council. Dues, etc.

§ 8. This act shall take effect immediately.

CHAP. 587.

AN ACT to provide for payment of the expense of certain proceedings against public officers in the city of New York.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of estimate and apportionment of the city of New York is hereby authorized and directed to audit and allow as charges against the city and county of New York, the reasonable costs, counsel fees and expenses paid or incurred in or by reason of the legal proceedings had in relation to the appointment of inspectors of election Board of estimate to audit charges against city for costs, etc.

for the general election of the year eighteen hundred and seventy-nine; and also the reasonable costs, counsel fees and expenses paid or incurred, or which shall hereafter be paid or incurred, by any police commissioner who shall be a successful party in any proceeding to remove a police commissioner from office, or to review or prohibit any such removal, or to obtain possession of the office of police commissioner.

Comptroller to issue revenue bonds to make payments.

§ 2. The comptroller of the city of New York is hereby authorized and directed to raise such sums of money as may be necessary to make all payments herein provided for by the issue of revenue bonds in anticipation of the taxes of the year following such audit, and the moneys so raised shall be paid for and upon the claims referred to in this act.

Amount to be included in tax levy.

§ 3. The board of estimate and apportionment of the city of New York is hereby authorized and directed to cause to be included in the taxes to be levied and raised in the city and county of New York for the year following such audit upon the estate subject to taxation in said city and county, an amount sufficient to pay the revenue bonds herein directed to be issued by the said comptroller in anticipation of the collection of the said taxes with all interest due or to become due thereon.

§ 4. This act shall take effect immediately.

CHAP. 588.

AN ACT to organize a night medical service in the city of New York, and to provide medical assistance in cases of sudden sickness or accident during the night time.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Captain of police to register names and addresses of physicians who make application to register, etc.

SECTION 1. On and after the passage of this act, and upon receipt of a copy thereof duly signed and certified, it shall be the duty of the captain of each police precinct in the city of New York to register in a book provided for that purpose, the names and addresses of all physicians in good and regular standing within said precinct, who shall make application for such registry and shall thereby pledge themselves to respond to any call for medical attendance, made as hereinafter described.

Names to be submitted to registrar who shall issue certificates.

Each name thus registered shall be submitted to the registrar of vital statistics of the board of health in the city of New York, whose duty it shall be to ascertain and report whether said physician is in good and regular standing, and to transmit a certificate to such effect to the captain of said precinct, and only upon receipt of such certificate shall it be lawful for the captain of the said precinct to employ such physician as hereinafter named.

Bulletin.

The names and addresses of such physicians as have been duly certified by the registrar of vital statistics shall be plainly and legibly written or printed on a bulletin provided for that purpose, which bulletin shall be placed at a convenient point near the captain's desk, and kept open to the inspection of all persons within the precinct desiring to see the same.

Applications to be registered.

§ 2. Upon the application of any person residing within the said precinct, whose name and address, together with the name and address of the said person desiring or needing such attendance, and the date of the application be duly registered in a book kept open for that purpose. It shall be the duty of the captain or other officer at the desk,

in the absence of any expressed preference by the applicant, to select from the list of physicians thus registered, the name of the physician residing nearest to the residence of the said patient in whose behalf application is made, and to notify him without delay of the existence of such application. Physician to be called.

§ 3. It shall be the duty of the captain, sergeant or other officer at the desk, in such police precinct as before specified, upon registry of any application as described in the preceding section, immediately to detail an officer whose duty it shall be to call upon such physician without delay, and to conduct him to the residence of the patient, also to verify by personal inspection or inquiry the name and address of such patient as registered by his superior officer. Every officer thus detailed as messenger shall be furnished with a blank certificate, upon which the name and address of the physician responding to the call, the name and address of the patient attended, and the date and hour of the visit shall be written by him after he has conducted the physician to the patient's residence and verified the genuineness of the application. Such certificate shall be signed by him and given to the physician, and shall specify upon its face that the physician therein named is entitled to the sum of three dollars from the public funds, upon presentation thereof to the proper officer, and indorsement thereof in writing with the name of the captain of the precinct. But it shall be the duty of the physician making such visit to present such certificate to the patient or his or her agent or attendant, and to request payment of the said sum specified; and in case of such payment being made, said physician shall surrender such certificate to the person or persons making it, and it shall cease to be a claim upon the public treasury. In default of the immediate payment of the said fee specified in the said certificate, by the patient or his or her attendant, it shall be the duty of the captain of the police precinct in which the visit was made to indorse it with his name; and thus indorsed it shall be the duty of the cashier of the board of health to pay at sight the fee aforesaid, and to enter the payment in a book provided for that purpose and take up the certificate. And all certificates thus redeemed shall be valid debts to the amount therein named, against the patients therein named, or their guardians, which the said board may order collected by due process of law, provided that no prosecution shall be instituted in cases where it is satisfactorily shown that the patient is without sufficient means for the payment thereof. Officer to call for physician, etc. Blank to be filled by officer. Certificate to be given to physician. Payment to be requested of patient. In default of payment cashier of board of health to pay.

§ 4. It shall be the duty of every physician thus called to the medical assistance of any person within the police precinct in which he is registered to transmit to the registrar of the board of health of the city of New York, within twenty-four hours after the call shall have been answered, a full and accurate statistical exhibit of the case, specifying therein the age and sex and the employment, profession or business of the patient, the nature of the disease, the hour of the attack, when practicable, the date, and the police precinct and ward in which the case occurred; the same shall be signed with the full name and address of the physician rendering it, but the name and address of the patient shall always be omitted. And it shall be the duty of the board of health of the city of New York to provide all physicians thus registered for night medical service with appropriate blanks for the said purpose upon their application therefor. Statistical exhibit of case to be transmitted to board of health. Blanks to be provided.

§ 5. Any policeman who shall be detailed as messenger according to the provisions hereinbefore specified shall, in the absence of preference expressed in the application, call the physician nearest and most con- Physician nearest to be called, etc.

venient to the patient's residence, or, in the absence or refusal from any cause of the latter, the physician next nearest, and so on. And there shall be no delay or waiting for such physician to return; and any member of the force neglecting to comply with this provision shall be subject to trial and fine or dismissal from the service, by the board of police commissioners, in the same manner as for other offenses cognizable by the said body. And any physician thus registering, who shall twice refuse or neglect, without reasonable excuse, to answer a call made according to the provisions of this act, shall be subject to have his name erased from the list, upon proper evidence thereof submitted to an executive officer who shall be appointed by the registrar of vital statistics of the board of health and shall be under his immediate supervision.

When physician's name to be erased from list.

Bulletin to be posted, if captains deem necessary in hotel and district telegraph offices.

§ 6. The captains of the several police precincts, if in their judgment it shall be necessary to the public convenience, may cause the bulletins of physicians herein specified to be posted in the hotels and district telegraph offices within their respective precincts, but any applicant applying at such hotels or telegraph offices, or desiring the services of any messenger other than a member of the police force detailed for the purpose, shall employ such messenger at his own expense, and shall be liable for any expenses incurred in communicating with the police precinct.

Hours of service.

§ 7. The period during which the aforesaid physicians shall be held to be subject to call shall be between the hours of ten in the evening and seven in the morning, from October first to March thirty-first, inclusive, and between the hours of eleven in the evening and six in the morning, from April first to September thirtieth, inclusive.

Appropriation.

§ 8. The board of estimate and apportionment of the city of New York are hereby authorized and directed to appropriate an amount necessary for the support of the aforesaid night medical service, when its organization shall have been established by the board of health of said city; but in no case shall the sum so appropriated exceed three thousand dollars for any one year.

§ 9. This act shall take effect immediately.

CHAP. 589.

AN ACT to exempt the town of Henderson from the provisions of chapter eight hundred and seventeen of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support of the poor in the county of Jefferson," and to confirm the action of the legal voters of said town in the election of an overseer of the poor.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Henderson is hereby exempted from the provisions of chapter eight hundred and seventeen of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support of the poor in the county of Jefferson," and the action of the legal voters of said town, on February seventeenth, eighteen hun-

dred and eighty, in electing Levi Crittenden as overseer of the poor is hereby fully confirmed.

§ 2. This act shall take effect immediately.

CHAP. 590.

AN ACT supplementary to chapter eight hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York."

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter eight hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York," is hereby amended by making a new section to be numbered and to read as follows: Chap. 836, Laws of 1872, amended.

§ 11. The provisions and requirements of chapter eight hundred and thirty-six of the laws of eighteen hundred and seventy-two, entitled "An act to regulate places of public amusement in the city of New York," shall not be held to apply to Young Men's Hebrew Association of Harlem, or to the directors or officers of said association as such, with respect to any building, not more than one, which shall in whole or in part be owned or leased by said association, while so owned or leased, so long as the revenue thereof shall continue to be applied to the support of said association, and to the religious, charitable, social, educational, or literary purposes of said association. Provisions of chap. 836 not to apply to Young Men's Hebrew Association of Harlem.

§ 2. This act shall take effect immediately.

CHAP. 591.

AN ACT for the appointment of game and fish protectors.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The governor is hereby authorized, upon the passage of this act, to appoint eight persons to be known as game and fish protectors, whose duty it shall be to enforce the statutes for the preservation of moose, wild deer, birds and fish, or any other game laws, and to bring, or cause to be brought, actions and proceedings in the name of the people of the State, to recover any penalties or amounts, or to punish any parties for the violation of said statutes or laws. Such actions may be brought in the name of the people in the like cases in the same courts, and under the same circumstances as they might now, or may hereafter, be brought by any individual under or by virtue of any existing or hereafter enacted statutes for the protection of deer, game and fish, or any of them. Such protectors and their successors, who shall be appointed by the governor, shall hold office for three years from the date of their appointment. All vacancies shall Governor authorized to appoint eight game and fish protectors to bring actions, etc. Actions to be brought in name of people.

Term of office. Vacancies. District-attorneys, to bring actions. Witness' fees. Disbursement to be advanced by county treasurers. Moneys recovered, how to be disposed of.

be filled by the governor. The district attorney of any county of this State shall, upon the request of any one of such protectors, commence and prosecute to termination, in the name of the people, actions and proceedings against any person reported to him by such protector to have violated any such statute or laws, for the recovery of the penalty for violation thereof, or for the punishment of the person violating the same. Witnesses' and other fees and disbursements and full costs shall be included in any judgment in favor of the people at the rates fixed by section three hundred and seven of the Code of Procedure, without reference to the amount of recovery. All money necessary for witnesses' fees and disbursements in any such action shall, on the requisition of the district attorney, be advanced by, and all moneys, except costs, which shall belong to the district attorney, recovered in any action, and all fines collected shall be paid to the treasurer of the county in which the action or proceedings shall have been commenced; and the district attorney or treasurer of such county, upon the payment of any judgment, may satisfy the same of record as the attorney for the people. All moneys thus paid into any county treasury over and above the amount necessary to reimburse the county for any outlays or expenses paid out by the county treasurer under this act, shall be paid on or before the thirtieth day of September in each year into the State treasury, and become and be part of the general fund.

Nets, pounds, etc., whereby fish may be caught contrary to law declared public nuisances, etc. Seizure of, etc.

§ 2. Any net, pound, or other means or device for taking or capturing fish, or whereby they may be taken or captured, set, put, floated, had or maintained in any of the waters of this State in violation of any existing or hereafter enacted statutes or laws for the protection of fish, is hereby declared to be and is a public nuisance, and may be abated by any citizen of this State; and it shall be the duty of each and every protector aforesaid to seize and remove the same, and the expense of such seizure and removal, and the keeping and storing such net, pound or other means or device aforesaid, shall be a county charge against the county in which the same shall have been so seized, and shall be paid as other county charges are paid, on the certificate, which shall be final, of such protector; and the amount so paid, or to be paid, shall be a first lien in favor of the county paying, or liable to pay, such expense upon such net, pound, or other means or device, which may be sold by any of said protectors or by the sheriff, to repay the sum paid by any county, or which it may be liable to pay, as above provided.

Arrests without warrant.

§ 3. The said protectors, or any one of them, may without warrant arrest any person violating any of the provisions of any statute now or hereafter enacted and in force at the time for the protection of moose, wild deer, birds and fish, or any of them, and take such person before a justice of the peace, or police justice, or other magistrate having jurisdiction, who shall proceed without delay to hear, try and determine the matter, and give and enforce judgment according to the allegations and proofs.

Travelling expenses and salary.

§ 4. The traveling expenses, not to exceed two hundred and fifty dollars for each of such protectors in any one year, to be audited by the comptroller of this State before payment, and an annual salary of five hundred dollars, shall be paid to each protector by the treasurer of the State out of any moneys not otherwise appropriated.

Appropriation.

§ 5. A sum not exceeding six thousand dollars is hereby appropriated to meet the provisions of this act.

§ 6. This act shall take effect immediately.

CHAP. 592.

AN ACT establishing an agricultural experiment station.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Institution established.

SECTION 1. For the purpose of promoting agriculture in its various branches by scientific investigation and experiment, an institution is hereby established to be called and known as The New York Agricultural Experiment Station.

Management of, to be under board of control to be appointed by societies named, etc.

§ 2. The management of this institution shall be committed to a board of control, whose members shall be selected and appointed as follows: One member shall be appointed by each of the following agricultural organizations of the State of New York, at their first annual meeting after the passage of this bill, viz.: The State Agricultural Society, the State Grange, the American Institute Farmers' Club, the Central New York Farmers' Club, the Western New York Farmers' Club, the Elmira Farmers' Club, and the Western New York Horticultural Society. Two members shall be appointed by the board itself, thus making nine appointed members in all. Whenever the dairy interests of the State shall be represented by one State association, it shall appoint one member of the board in place of one appointed by the board itself. The governor of the State, and also the person appointed as hereinafter provided to be director of the station, shall be ex-officio members of the board of control. In order to effect the immediate organization of the station, on the passage of this bill the presidents of these several societies or associations, together with the master of the State Grange, shall ex-officio constitute the first board of control, and shall hold their offices in the same till their places shall be filled at the next annual meeting of their respective societies or associations.

Ex-officio members.

Meeting on call of governor to organize, etc.

§ 3. Within thirty days after the passage of this act this board of control, consisting of the governor, the presidents of the societies or associations above named, and the master of the State Grange, shall meet at the call of the governor in the city of Albany, shall choose from their number a president and secretary, and shall then proceed to choose the other two members of the board and a treasurer. The president, secretary and treasurer shall be elected annually, and shall hold their offices till their successors shall be elected. Six members of the board shall constitute a quorum for the transaction of business.

President and secretary.

Quorum.

Members to be divided into classes; terms of office of.

§ 4. At the first meeting of the board of control they shall divide themselves by lot into three classes; the members of the first class, or those appointed by their respective societies or associations to take their places on the board, shall hold office till the time fixed for the first annual meeting of the board; the members of the second class, or their appointed substitutes, till the second annual meeting thereafter, and the members of the third class till the third annual meeting thereafter. All members of the board thereafter chosen or appointed, except those appointed to fill vacancies, ad interim, shall hold office three years. A vacancy occurring in the board of control from any cause shall be filled by the society or association represented by the member that occupied the place that has become vacant; but if for any reason such vacancy shall not be filled in this manner at the

Vacancy.

time of the next regular annual meeting of the proper society or association, said vacancy shall be filled by the board itself.

Annual meeting.

§ 5. Said board of control shall meet annually after the first meeting thereof at such time and place as may be appointed by the board, and at such other times and places upon the call of the president as may be deemed necessary, and may fill vacancies which may occur in the offices of the board.

Board to locate and manage station and shall appoint director, duty of, etc.

§ 6. Said board of control shall locate and have the general management of the station, and shall appoint a director, who shall have the general management and oversight of the experiments and investigations which shall be necessary to accomplish the objects of said institution, and shall employ competent and suitable chemists and other persons necessary to the carrying on of the work of the station.

Power to own real estate etc.

It shall have power to own, hold and convey any such real and personal property as may be necessary for carrying on its work, and to receive title to the same by deed, devise or bequest in the name of the institution. It shall have the direction of the expenditure of all moneys appropriated by the State and the income from all funds and endowments which it may receive from other sources, and may sue and be sued, plead and be impleaded in all courts in the name of the New York Agricultural Experiment Station. Said board shall make an annual report to the legislature.

Appropriation.

§ 7. The sum of twenty thousand dollars annually is hereby appropriated to said New York Agricultural Experiment Station for two years, out of any money in the treasury not otherwise appropriated, which shall be paid to the treasurer of said board of control, at such times and in such sums as said board may require, upon the order of the comptroller of the State, who is hereby directed to draw his order for the same on the treasurer of the State. And the treasurer of said board of control shall be required, before entering upon the duties of his office, to give bond with surety to the treasurer of the State in the sum of ten thousand dollars, for the faithful discharge of his duties as such treasurer.

Treasurer to give bond.

Traveling expenses to be paid

§ 8. Every member of the said board may, by a vote thereof, be paid his necessary traveling expenses, as well as those incurred by him while in actual attendance upon the meetings of the said board; but no member shall receive as such any other remuneration for his services in attendance on the meetings of the board.

Rules etc.

§ 9. Said board of control shall make such rules and regulations as may from time to time become necessary to carry out the objects of the station.

§ 10. This act shall take effect from its passage.

CHAP. 593.

AN ACT to improve Jackson avenue in Long Island City.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. John C. Jackson, Gabriel Marc, and Richard Bragaw, citizens of the United States, and residents of Long Island City, are hereby appointed commissioners to improve Jackson avenue, in Long

Island City, from the northerly line of the improvement district, constituted and established by chapter three hundred and twenty-six of the laws of eighteen hundred and seventy-four, entitled "An act to provide for improvements in and adjoining the first ward of Long Island City," to the city limits at the boundary of the town of Newtown. Said commissioners and their successors shall be designated as the Jackson avenue improvement commissioners. They shall act as a board of commissioners, and shall keep minutes of all their meetings and proceedings. A majority of them shall constitute a quorum, and a vote or concurrence of a majority shall be necessary for the execution of any contracts, or the transaction of any business. On or before the last Monday of January in each year, said commissioners shall make a written report to the mayor of Long Island City of their proceedings during the year ending on the thirty-first day of December previous. Upon the occurrence of any vacancy occasioned by the death, resignation or other disability of any of said commissioners, or their successors, such vacancy may be filled by the remaining commissioners; and until so filled, any duties hereby imposed upon said commissioners may be discharged by the remaining commissioners. But if such vacancy be not so filled within thirty days after its occurrence, any citizen of Long Island City may apply to the county judge of Queens county to fill such vacancy, and he shall thereupon have power so to do. Before entering upon their duties said commissioners shall take the oath required by the constitution.

Quorum.

Annual report.

Vacancy how filled.

§ 2. Said commissioners are hereby authorized, empowered and directed to macadamize said Jackson avenue within the limits aforesaid in the best and most substantial and durable manner for a width of twenty feet in the center thereof, and to a depth of fifteen inches above the necessary trap-rock foundation, and for the purpose of preparing a proper road-bed therefor, said commissioners may make and repair such culverts as are necessary, and with the consent of the owners, namely: the Jackson and Steinway Avenue Railroad Company of Long Island City, may remove the tracks of said railroad within such central width to such other portion of said avenue as may be lawfully used and occupied thereby for street railroad purposes. The work of macadamizing as aforesaid shall be done by contract, which shall be awarded to the lowest responsible bidder who shall give the security for its faithful performance required by said commissioners, and at least two weeks' notice by advertisement shall be given by said commissioners before the reception of proposals for said contract. Said commissioners shall have power to reject all bids which they do not deem advantageous, or which cannot be accomplished for an amount within the limit of expenditure fixed by this act.

May macadamize Jackson avenue.

R. R. Company may remove tracks.

Work of macadamizing etc., to be done by contract.

§ 3. The total expense of the whole improvement, including the compensation of the commissioners and the incidental expenses of the performance of their duties, shall not exceed eighteen thousand dollars. The commissioners shall each receive three dollars a day as compensation for each day on which they are actually officially engaged as such, for not exceeding one hundred days. The total amount of the expense shall be assessed upon the real property situated within three hundred feet on each side of said avenue within the limits aforesaid, in such proportions as shall seem most equitable and proper to said commissioners, in proportion to the benefits derived by such property from said improvement.

Total expense limited.

Compensation of commissioners.

Expense to be assessed on property on avenue.

§ 4. Said commissioners shall make a report to the supreme court at any special term thereof held in the counties of Kings or Queens,

Commissioners to make re-

port supreme court, etc.

which report shall contain a statement of all the expenses of said improvement and of the assessment made upon each piece of property situate within the said assessment district; two weeks' notice shall be given in every newspaper published in Long Island City of the time and place of presenting said report, and on such presentation all parties interested may be heard. The court, if it considers the assessment to be inequitable, may send it back for revision, and thereupon said commissioners shall correct it and again present it to the court on like notice as before, and similar proceedings shall be had as with the first report presented until the report is confirmed. Upon the confirmation of the report, the sum therein charged by assessment upon each lot or plot of land shall become a lien upon the same, and so continue until paid.

Certified copy assessment roll to be transmitted to treasurer who shall proceed to collect assessments.

§ 5. The commissioners shall transmit a certified copy of the assessment roll, as aforesaid, made by them, to the city treasurer, who shall thereupon proceed to collect the assessments therein stated, in the manner prescribed by law for the collection of taxes in Long Island City, and in case of default in paying the same, the proper officer of the said city shall proceed to sell the property upon which such unpaid assessments were charged, and do all necessary and proper acts connected with such sale, including the giving of certificates and leases in the same manner as is now provided by law in cases of failure to pay taxes in Long Island City. All such assessments shall bear the same rate of interest that taxes levied in Long Island City now bear.

Certificates of indebtedness to issue to creditors.

§ 6. The said commissioners shall have power to issue certificates of indebtedness to those to whom money may be due on account of said improvement and who apply for them; which certificate shall bear interest at the rate of six per centum per annum, under the conditions hereinafter stated. Such certificate shall contain a statement that the interest thereon is only to be paid out of interest received on unpaid assessments levied as hereinbefore provided, and only in so far as it can be paid from such interest received on such assessments.

Treasurer to receive fee for services as shall be agreed on.

§ 7. The city treasurer of Long Island City shall receive for any services required by this act for which no fee or compensation is now fixed by law, such compensation as may be agreed upon between him and the said commissioners; and if they are not able to agree, the determination of the amount shall be made by any justice of the supreme court holding court in Long Island City.

Moneys received on account of assessments to be paid to commissioners.

§ 8. All moneys received on account of assessments imposed by this act by the said city treasurer, or any other officer of Long Island City, shall be delivered to the said commissioners on their order and shall be paid out by them in liquidation of the expenses incurred under the provisions of this act.

Final report.

§ 9. At the conclusion of the performance of the duties devolved upon them by this act, the said commissioners shall render a final report to the supreme court in the same manner as in the case of the report hereintofore mentioned, and on the same being confirmed shall be discharged from further duty or responsibility in the premises. Any money remaining in the hands of said commissioners at the time of such confirmation and discharge shall be paid into the treasury of Long Island City, to be expended in the improvement and maintenance of the portion of Jackson avenue described hereintofore.

§ 10. This act shall take effect immediately.

CHAP. 594.

AN ACT to provide for the revision of the special and local laws affecting public interest in the city of New York.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commission to revise special and local laws.

SECTION 1. Within twenty days after the passage of this act the counsel to the corporation of the city of New York shall appoint two persons, who together with himself shall constitute and form a commission to revise all the special or local laws affecting public interests in the city of New York which shall be in force at the time such commissioners shall make their final report, or at such time prior thereto as said commissioners shall find advisable. In making such revision the said commissioners shall not make any change in the meaning of existing laws, but shall seek to simplify and to mould into consistent acts all existing statutes upon matters embraced in such special and local laws. They shall not include in such revision any special acts relating to corporations or societies except such as are entitled to receive money from the city, or those to whose care children or criminals are, under existing laws, committed.

Laws not to be changed.

When revision is completed same to be printed and submitted to the legislature.

§ 2. When the said commissioners shall have completed said revision, or any portion thereof, the same shall be printed in the same manner as printing is now done for the mayor, aldermen and commonalty of the city of New York, and shall be distributed by said commissioners to those whose advice is desirable, and thereafter they shall complete their revision and submit the same to the legislature.

Compensation of commissioners.

§ 3. Each of said commissioners, except the counsel to the corporation, shall receive for his services herein the sum of five thousand dollars, to be paid by the comptroller of said city in three equal payments, on the first day of October and the first day of December in the year eighteen hundred and eighty, and on the submission of their report to the legislature; the said commissioners shall be allowed for expenses of clerical services and incidental expenses a sum not to exceed five thousand dollars, to be paid from time to time upon their requisition therefor upon the comptroller of said city. And to provide for the compensation and expenses herein mentioned, the comptroller shall issue revenue bonds payable from the taxes for the year eighteen hundred and eighty-one, and an amount sufficient to redeem said revenue bonds shall be included by the board of estimate and apportionment, in the final estimate for the year eighteen hundred and eighty-one.

Revenue bonds to issue to pay same.

§ 4. Any vacancy occurring in such commission shall be filled by the said counsel to the corporation.

§ 5. This act shall take effect immediately.

CHAP. 595.

AN ACT to authorize the reading in courts and proceedings of the compilation entitled "The special and local laws affecting public interests in the city of New York, and to declare the effect thereof."

PASSED June 26, 1880.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Volume may be read in evidence. Presumptive evidence of special and local laws.

SECTION 1. The volume entitled "The special and local laws affecting public interests in the city of New York," and printed by order of the legislature of eighteen hundred and eighty, may be read in evidence and cited in any court or proceeding. Said volumes shall be considered as containing presumptively all special or local laws affecting public interests in force in the city of New York, on the first day of January, eighteen hundred and eighty, but this presumption shall not be considered as extending to special laws relating to any corporation (other than the mayor, aldermen and commonalty), or to any association or society, nor shall the insertion or omission of any law relating to any such corporation be construed as in any manner affecting the corporate existence of any such corporation or its possession of its franchises.

CHAP. 596.

AN ACT to provide for the taxation of banks and of moneyed capital engaged in the business of banking, receiving deposits or otherwise.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Foreign corporations, etc., engaged in banking to pay state tax of one-half of one per cent on capital.

SECTION 1. Every corporation, company or joint stock association created under the laws of any other State or country, and the managers or agents of every such corporation, company or joint-stock association, who receive deposits, loan money, sell bills of exchange or issue letters of credit, or in any other manner are engaged in business as bankers in this State, shall annually, on or before the first day of February in each year, pay to the comptroller a State tax of one-half of one per cent on the average of all sums of money used or employed by them in this State during the year ending the preceding thirty-first day of December.

To make returns and pay tax to comptroller.

§ 2. It shall be the duty of every corporation, company, joint-stock association and of the officers, managers or agents thereof, who, under the provisions of this act, are liable to pay a State tax, to make return to the comptroller in writing on or before the first day of February in each year, of the State tax to which they are so liable, and of the deposits or sums of money used or employed respectively on which such tax is based, which return shall be verified by oath or affirmation, and for any failure or neglect to make such return or pay said tax, a penalty of ten per centum on the amount of tax due is hereby imposed;

such penalty and the tax to be recovered by the people of this State, in an action to be brought in any court of competent jurisdiction, by the attorney-general at the instance of the comptroller.

Tax on stockholders in banks, etc.

§ 3. The stockholders in every bank, banking association or trust company, organized under the authority of this State, or of the United States, shall be assessed and taxed on the value of their shares of stock therein; said shares shall be included in the valuation of the personal property of such stockholders in the assessment of taxes at the place, city, town or ward where such bank, banking association or trust company is located, and not elsewhere, whether the said stockholder reside in said place, city, town or ward or not, but in the assessment of said shares, each stockholder shall be allowed all the deductions and exemptions allowed by law in assessing the value of other taxable personal property owned by individual citizens of this State, and the assessment or taxation shall not be at a greater rate than is made or assessed upon other moneyed capital in the hands of individual citizens of this State. In making such assessment there shall also be deducted from the value of such shares such sum as is in the same proportion to such value as is the assessed value of the real estate of the bank, banking association or trust company, and in which any portion of their capital is invested, in which said shares are held, to the whole amount of the capital stock of said bank, banking association or trust company; nothing herein contained shall be held or construed to exempt the real estate of banks, banking associations or trust companies from either State, county or municipal taxes; but the same shall be subject to State, county, municipal, and other taxation to the same extent and rate, and in the same manner according to its value as other real estate is taxed.

To be assessed where bank is located.

Deduction in making assessment.

Correct list of stockholders to be kept in bank subject to instruction.

§ 4. There shall be kept at all times in the office where the business of each bank, banking association or trust company, organized under the authority of this State, or of the United States, shall be transacted, a full and correct list of the names and residences of all the stockholders therein, and of the number of shares held by each; and such list shall be subject to the inspection of the officers authorized to assess taxes, during the business hours of each day in which business may be legally transacted. The managers or agents of any corporation, company or joint-stock association mentioned in the first section of this act, shall keep at all times in the office where the business of such corporation, company or joint-stock association is transacted in this State, a full and accurate account of the moneys used or employed, and of the deposits therein; and such account shall be subject to the inspection of the comptroller or of any clerk designated by him to inspect the same during business hours of any day on which business may be legally transacted.

Account of moneys used, etc.

Collection of tax.

§ 5. When the owner of stock in any bank, banking association or trust company, organized under the laws of this State, or of the United States, shall not reside in the same place where the bank, banking association or trust company is located, the collector and county treasurer shall, respectively, have the same powers as to collecting the tax to be assessed by this act as they have by law when the person assessed has removed from the town, ward, or county in which the assessment was made, and the county treasurer, receiver of taxes, or other officer authorized to receive such tax from the collector, may all or either of them have an action to collect the tax from the avails of the sale of his shares of stock, and the tax on the share or shares of said stock shall be and remain a lien thereon from the day when the property is

by law assessed, till the payment of said tax, and if transferred after such day, the transfer shall be subject to such lien.

Duty of bank, etc., in relation to collection of tax.

§ 6. For the purpose of collecting the taxes to be assessed under sections three, four and five of this act, and in addition to any other law of this State, not in conflict with the constitution of the United States relative to the imposition of assessment and collection of taxes, it shall be the duty of every such bank, banking association, or trust company, and the managing officer or officers thereof, to retain so much of any dividend or dividends belonging to such stockholder as shall be necessary to pay any taxes assessed in pursuance of sections three, four and five of this act until it shall be made to appear to such officer or officers that such taxes have been paid.

§ 7. This act shall take effect immediately.

CHAP. 597.

AN ACT for the relief of the Five Points House of Industry in the city of New York.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amount to be included in tax levy and paid over to Five Points House of Industry.

SECTION 1. The board of estimate and apportionment of the city of New York shall, in the year one thousand eight hundred and eighty and every year thereafter, include in the tax levy of said city, at the same time and in the same manner as the contingent charges and expenses of the city and county are levied and collected, and pay over to the Five Points House of Industry, in the city of New York, the sum of fifty-two dollars per year for each and every orphan, half-orphan, and destitute child, not exceeding two hundred children in any one year, received and supported by said institution for each year, the expense of whose support is not paid by private parties, and in the same proportion for the part of a year.

§ 2. This act shall take effect immediately.

CHAP. 598.

AN ACT to change the name of the "Association for Befriending Children" to "The Association for Befriending Children and Young Girls," and in relation to said association, and to provide for the support of the persons cared for by such association.

PASSED June 26, 1880; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Name changed.

SECTION 1. From and after the passage of this act, the Association for Befriending Children, incorporated under the laws of the State of New York on the nineteenth day of October, in the year one thousand eight hundred and seventy, shall be known by the name of the Associa-

tion for Befriending Children and Young Girls, and shall continue to enjoy all the rights and property and shall be subject to all the obligations of said association the same as though the name thereof had not been changed. New name.

§ 2. The objects of the association are hereby amended so as to read as follows: To rescue young girls who have just fallen or are in danger of so doing, from evil associations, and to train them to habits of virtue, and while so doing to shelter and educate them and also to skill them in useful employments, principally in the different branches of domestic service, and to provide them with situations in private families that they may be enabled to earn honest livelihoods and become useful members of society. Further, to provide a place where all women who are fallen, but desirous of returning to the paths of virtue, may find a reformatory without being committed by a magistrate. Also, to seek such women in public hospitals and prisons and elsewhere and to befriend them with kind words or food, shelter and clothing, or employment, as may be best for their good and that of society. Objects of association.

§ 3. The said association shall receive a per capita allowance of one dollar a week for each female by it rescued, supported, instructed and trained to useful employment. And in each and every year the board of estimate and apportionment of the city of New York, or the officers or board by law charged with the duty of levying and collecting taxes in the city of New York, shall levy and collect by tax such sum or sums as shall be required for the said remuneration; and it shall be the duty of the comptroller and chamberlain of said city, and of all other officers charged by law with the duty of making payments, to pay said association said remuneration as said association shall apply for the same. Allowance to be paid to, by city.

§ 4. The schools established and maintained by the said association shall participate in the apportionment and distribution of the moneys apportioned to the county of New York for the support and encouragement of common schools therein, and also of the moneys mentioned in the fifteenth section as it now stands amended, of an act to amend, consolidate and reduce to one act the various acts relative to the common schools of the city of New York, passed July third, eighteen hundred and fifty-one, as well as of the moneys mentioned in the sixteenth section and in the first sub-division of the third section of said act as the same now stands amended, in the same manner and degree as the common or public schools of the city and county of New York, and shall be subject to the board of education of the city of New York, and shall report thereto as do the schools of the New York Juvenile Asylum, Hebrew Benevolent and Orphan Asylum Society, The Ladies' Home Missionary Society of the Methodist Episcopal Church, The American Female Guardian Society and other (so called) corporate schools. Schools established by, to participate in apportionment of moneys for support of common schools, etc.

§ 5. This act shall take effect immediately.

CHAP. 599.

AN ACT to divide the town of Kingston, in the county of Ulster, and erect therefrom the town of Ulster, and attach a part thereof to the town of Woodstock, in said county, passed by the board of supervisors of the county of Ulster at their annual meeting, the twenty-eighth day of November, in the year one thousand eight hundred and seventy-nine; two-thirds of all the members of said board voting in favor thereof, under and in pursuance of chapter three hundred and nineteen of the laws of eighteen hundred and seventy-two.

The board of supervisors of the county of Ulster, in annual meeting assembled, do hereby enact as follows:

SECTION 1. All that part of the town of Kingston, in the county of Ulster, in the State of New York, included within the following bounds, is hereby erected into a new town by the name of Ulster: Beginning on the division line between the towns of Kingston and Hurley, at the point where the northerly line of the Ulster and Delaware railroad crosses such division line, thence easterly along the said northerly line of the railroad to its intersection with the northerly line of the Ulster and Delaware plank (or stone) road; thence easterly along such northerly line of the said plank (or stone) road to the division line between lots Nos. 9 and 14 of the Clove class of the Kingston commons; thence north 24° east (as in 1804) along such division line and along the division line of lots Nos. 10 and 15 of said Clove class to the division line between the Clove and Binnewater classes, being the corner of lots Nos. 49 and 61 of said Binnewater class; then south 66° east (as in 1804) along the said division between the Clove class and the Binnewater class to the corner of lots Nos. 121 and 133 of the Binnewater class; thence north 24° east (as in 1804) along the division line between said lots Nos. 121 and 133 and its continuation, crossing the Sawkill creek, to the corner of lots Nos. 128, 129, 143, 144 of said Binnewater class; thence south 66° east (as in 1804) along the division line between said lots Nos. 143 and 144 to the south-easterly corner of said lot No. 144; thence north 24° east (as in 1804) along the easterly line of lots Nos. 144 and 145 of said Binnewater class, and its continuation to the south line of the First class; thence south 66° east (as in 1804) along the division between the Binnewater and First classes to the easterly line of the Kingston commons; thence north-easterly along said easterly line to the north-east corner of lot No. 89 in said First class; thence along the division line between lots 89 and 90, in the said First class, to the bounds of lot 83; thence along the division line between lots 83 and 89 in said First class; then along the division line between lots 82 and 83 to the line of lot 74; then along the easterly bounds of lot No. 74 to the north-easterly corner of lot No. 73; then along the northerly bounds of lots 73, 65, 57, 49, 41 and 33 to the north-west corner of lot 33; then northerly along the westerly bounds of lots 34, 35, 36, 37, 38 and 39 to the north-west corner of lot No. 39 in said First class, being the southerly bounds of the town of Saugerties; thence easterly along said bounds to the easterly bounds of the county of Ulster; thence southerly along said bounds to the northerly bounds of the city of

Kingston; thence along said city bounds westerly, southerly and southeasterly to the southerly corner of said city of Kingston; thence south-westerly along the bounds of the town of Esopus to the bounds of the town of Rosendale; thence northerly and north-westerly along the bounds of the towns of Rosendale and Hurley to the place of beginning, containing all that parcel and part of the territory now lying and being in the present town of Kingston, bounded as aforesaid.

§ 2. All that part of the said town of Kingston, described as follows: Beginning at a large pile of stones where the towns of Hurley, Woodstock and Kingston adjoin each other, and running thence south one degree and twenty minutes west along the bounds of the said town of Hurley one hundred and thirty-six chains; thence south sixty-two degrees and thirty minutes east one hundred and twenty-seven chains to the most southerly corner of lot number 42 in the Binnewater class of the commons of the town of Kingston; then north twenty-seven degrees and thirty minutes east along the westerly bounds of lots 54, 55, 56, 57, 58, 59 and 60 in the Binnewater class and lot 33 in the First class, and then continuing the same course along the westerly bounds of lots 34, 35, 36, 37, 38 and 39 of the First class two hundred and forty-eight chains to the bounds of the town of Saugerties; then north sixty-two degrees and thirty minutes west along the bounds of the said town of Saugerties one hundred and ninety-one chains and eighty-eight links to the bounds of the town of Woodstock; then south twenty-five degrees and thirty minutes west along the bounds of the town of Woodstock one hundred and twenty-seven chains and fifty-eight links to the place of beginning, be and the same is hereby attached to the town of Woodstock.

§ 3. And the remaining part of the present town of Kingston not included in either of the aforesaid boundaries shall be and remain a separate town in the county of Ulster by the name of Kingston, and the first town meeting therein shall be held in the house of Owen Trodden in said town.

§ 4. The first town meeting in the said town of Ulster shall be held at the hotel of George N. Stoddard, in such town and at such time as is now provided for the holding of town meetings in the county of Ulster, and Tunis P. Osterhoudt, Gilbert I. Lockwood and Josiah Lefever, three electors of said town of Ulster, are hereby designated and appointed to preside at such town meeting, may appoint a clerk, open and keep the polls, and for that purpose have and exercise the same powers as justices of the peace when presiding at town meetings.

§ 5. Nothing in this act shall affect or abridge the term of office of any justice of the peace of the town of Kingston, or other town officer whose term of office has not expired.

SUPERVISORS' CLERK'S OFFICE, } ss.
Ulster County, }

We, the undersigned, chairman and clerk of the board of supervisors of Ulster county, N. Y, do hereby certify that we have compared the foregoing with the original bill passed by the board of supervisors of said county, at their last annual meeting, and that the same is a correct transcript therefrom, and of the whole thereof, and is a true statement of the action of said board in reference to the division of said town of Kingston; and that the said original was passed by a vote of two-thirds of all the members elected to said board. And that the map hereto annexed is a correct copy of the one presented to said board with the application for the division of said town of Kingston, in said county of Ulster, N. Y.

In witness whereof we have hereunto set our hands, as chairman and clerk of said board, and affixed the seal of the board of supervisors of Ulster county, this sixth day of January, eighteen hundred and eighty.

[L. S.] R. LOUGHRAM,
Chairman Board of Supervisors, Ulster Co.

ALFRED TANNER,
Clerk of the Board.

Filed, Jan. 8th, 1880.

ANSON S. WOOD,
Deputy Secretary of State.

CHAP. 600.

AN ACT to fix, establish, locate and define the boundary line between the towns of North Hempstead and Oyster Bay, in the county of Queens, State of New York.

The board of supervisors of Queens county do hereby, pursuant to chapter three hundred and sixty-one of the laws of eighteen hundred and seventy, by the vote of a majority of all the supervisors elected to the said board, ascertained by taking the yeas and nays, resolve as follows:

RESOLUTION NO. 1.

SECTION 1. Whereas application, after publication and service of notice of intention has been made to this board by the supervisor, town clerk and justices of the peace of the town of North Hempstead, as provided by chapter three hundred and sixty-one, laws of eighteen hundred and seventy, to fix, establish, locate and define the boundary line now in dispute between the towns of North Hempstead and Oyster Bay, in the county of Queens, and this board having heard and carefully examined the evidence presented to them concerning this matter do, pursuant to the authority vested in them by said chapter three hundred and sixty-one, laws of eighteen hundred and seventy, hereby proceed to fix, establish, locate and define the said line to be and continue as follows: Commencing at a point known as Cantiag rock and running thence north forty-one degrees ten minutes west, thirty-five thousand four hundred and seventy-four feet, to a monument located at high-water mark on the easterly side of Hempstead harbor opposite barren or bar beach; thence west one thousand three hundred and three and three-tenths feet, to a monument located on said barren or bar beach, being equal distant from each shore at high water; thence along the center of said harbor, as follows: north, fifteen degrees west, three thousand one hundred and ninety-six feet; thence north thirteen degrees forty-five minutes west, two thousand five hundred and ninety-seven feet; thence north forty minutes west, one thousand six hundred and eighty-three feet; thence north five degrees fifteen minutes west, four thousand seven hundred and sixty feet; thence north seventeen degrees and fifty-five minutes west to the mouth of the harbor at Long Island sound.

§ 2. And whereas the line from Cantiag rock to Hempstead harbor passes through the dwelling-house of August Leonard, and the dwelling-house of John Shultz, it is hereby declared by this board that the dwelling-house and property adjoining the same, belonging to the said August Leonard, be and the same is hereby defined as located in the town of North Hempstead, and the dwelling-house and property adjoining the same belonging to the said John Shultz, be and the same is hereby defined as located in the town of Oyster Bay, and the same subject to be assessed in these towns respectively.

§ 3. The said line as defined in section one of this act is hereby declared to be the boundary line between the towns of North Hempstead and Oyster Bay, and this board hereby fix, establish, locate and define the aforesaid line as the true and correct boundary line between the said towns of North Hempstead and Oyster Bay, and hereby order and direct the supervisors of the said towns of North Hempstead and Oyster Bay to cause the proper maps to be filed as required by law.

§ 4. The clerk of this board is hereby directed to file a copy of this resolution in the office of the secretary of State at Albany as required by law, and to cause the same to be published in the Glen Cove Gazette and the Glen Cove Echo in the town of Oyster Bay, and the Roslyn News in the town of North Hempstead, for two successive weeks as required by law.

Carried May 4, 1880.

JOHN CLAVEN,
Chairman pro tem.

ROBT. SEABURY, *Clerk.*

I, Robert Seabury, clerk of the board of supervisors of Queens county, do hereby certify that the annexed is a true copy of a resolution duly passed by said board of supervisors, at a regular meeting thereof, held at the town hall, Jamaica, in said county of Queens, on the fourth day of May, eighteen hundred and eighty.

In witness whereof I have hereunto set my hand and affixed the official seal of said board of supervisors this fourth day of May, eighteen hundred and eighty.

[L. S.]

ROBT. SEABURY,
Supervisor's Clerk.

Filed, 1880.

ANSON S. WOOD,
Deputy Secretary of State.

CONCURRENT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY.

CONCURRENT RESOLUTION

Proposing an amendment to section twelve of article six of the constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Resolved (if the assembly concur), That section twelve of article six of the constitution be amended so as to read as follows:

§ 12. The superior court of the city of New York, the court of common pleas for the city and county of New York, the superior court of Buffalo and the city court of Brooklyn are continued with the powers and jurisdiction they now severally have, and such further civil and criminal jurisdiction as may be conferred by law. The superior court of New York shall be composed of the six judges in office at the adoption of this article and their successors. The court of common pleas of New York, of the three judges then in office and their successors, and three additional judges. The superior court of Buffalo, of the judges now in office and their successors, and the city court of Brooklyn, of such number of judges not exceeding three as may be provided by law. The judges of said courts in office at the adoption of this article are continued until the expiration of their terms. A chief judge shall be appointed by the judges of each of said courts from their own number, who shall act as such during his official term. Vacancies in the office of the judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the supreme court. The legislature may provide for detailing judges of the superior court and court of common pleas of New York, to hold circuits and special terms of the supreme court in that city; for detailing judges of the city court of Brooklyn, to hold circuits and special terms of the supreme court in Kings county, and for detailing judges of the superior court of Buffalo, to hold circuit courts of oyer and terminer and special terms of the supreme court, as the public interest may require.

Resolved (if the assembly concur), That the foregoing amendment be referred to the legislature, to be chosen at the next general election

of senators, and that in conformity to section one of article thirteen of the constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK:
IN SENATE, *May* 4, 1880.
The above resolution was duly passed.
By order of the senate.
JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK:
IN ASSEMBLY, *May* 20, 1880.
The above resolution was duly passed.
By order of the assembly.
EDW'D M. JOHNSON,
Clerk

CONCURRENT RESOLUTION

Proposing an amendment to article six of the constitution.

Resolved (if the assembly concur), That sections twelve and thirteen of article six of the constitution be amended so as to read as follows:

§ 12. The superior court in the city of New York, the court of common pleas for the city and county of New York, the superior court of Buffalo, and the city court of Brooklyn are continued with the powers and jurisdiction they now severally have, and such further civil and criminal jurisdiction as may be conferred by law. The superior court of New York shall be composed of the six judges in office at the adoption of this article, and their successors. The court of common pleas of New York, of the three judges then in office, and their successors, and three additional judges. The superior court of Buffalo, of the judges now in office, and their successors; and the city court of Brooklyn, of such number of judges, not exceeding three, as may be provided by law. The judges of said courts in office at the adoption of this article are continued until the expiration of their terms. A chief judge shall be appointed by the judges of each of said courts from their own number, who shall act as such during his official term. Vacancies in the office of the judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the supreme court. The legislature may provide for detailing judges of the superior court and court of common pleas of New York to hold circuits and special terms of the supreme court in that city; and for detailing judges of the city court of Brooklyn, to hold circuits and special terms of the supreme court in Kings county as the public interest may require.

§ 13. Justices of the supreme court shall be chosen by the electors of their respective judicial districts. Judges of all the courts mentioned in the last preceding section shall be chosen by the electors of the cities respectively in which the said courts are instituted. The official terms of the said justices and judges who shall be elected after the adoption of this article shall be fourteen years from and including the first day of January next after their election. But no person shall hold the office of justice or judge of any court longer than until and including the last day of December next after he shall be seventy years of age. The compensation of every judge of the court of appeals, and of every justice of the supreme court, whose term of office shall be abridged pursuant to this provision, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected.

And whereas the foregoing amendment to the constitution was agreed to by a majority of the members elected to each of the two houses in the year eighteen hundred and seventy-nine, and was entered

on the journal with the yeas and nays taken thereon and referred to this legislature after publication thereof for three months previous to the last general election of senators.

Resolved (if the assembly concur), That the foregoing amendment be submitted to the people of the State of New York at the next general election.

STATE OF NEW YORK:
IN SENATE, *April* 30, 1880.
The above resolution was duly passed.
By order of the senate.
JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK:
IN ASSEMBLY, *May* 25, 1880.
The foregoing resolution was duly passed.
By order of the assembly.
EDW'D M. JOHNSON,
Clerk.

CONCURRENT RESOLUTIONS

Proposing amendments to article seven of the constitution, and providing for the maintenance of the canals by the revenues thereof.

Resolved (if the senate concur), That section three of article seven of the constitution be amended so as to read as follows:

§ 3. The debts mentioned in the preceding sections of this article having been fully paid or provided for, and no longer liens upon the revenues of the canals, the surplus revenues of the canals, after paying the cost of collection, superintendence and ordinary repairs, shall in each fiscal year be credited to the reserve fund created under the sixth section of this article, and held to meet appropriations as therein provided. The rates of toll, established for the year one thousand eight hundred and eighty, on persons and property transported on the canals, shall neither be increased nor reduced except by the canal board, with the concurrence of the legislature. All contracts for work or materials on any canal shall be made with the person who shall offer to do or provide the same at the lowest price with adequate security for their performance. No extra compensation shall be made to any contractor; but if from any unforeseen cause the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract. The legislature shall not sell, lease, or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal; but they shall remain the property of the State, and under its management forever.

Resolved (if the senate concur), That section five of article seven of the constitution be amended so as to read as follows:

§ 5. There shall annually be imposed and levied a tax which shall be sufficient to pay the interest, and extinguish the principal of the canal debt, as the same shall become due and payable, and the proceeds of such tax shall, in each fiscal year, be appropriated and set apart for the sinking fund constituted for the payment of the principal and the interest of the aforesaid debt.

Resolved (if the senate concur), That section six of article seven of the constitution be amended so as to read as follows:

§ 6. There shall be created a canal repair trust fund, under the control and management of the commissioners of the canal fund, which shall be made up and sustained in the following manner:

1. By the transfer thereto of any unexpended moneys remaining in the treasury at the time of the adoption of this section, belonging to the canal fund and standing on the books of the canal department to

the credit of the "fund for extraordinary repairs," the "fund for the enlargement of the Champlain canal," and the "fund for the reconstruction of the Oneida Lake canal."

2. From the surplus revenues in each fiscal year, after paying the expenses of collection, superintendence and ordinary repairs of the canals.

All of which fund so hereby created shall be separately kept and safely invested by the commissioners of the canal fund, and may under the direction and enactment of the legislature from time to time be appropriated, to make good any failure in the revenues to meet the appropriations for the ordinary expenditures, or for the permanent improvement of the canals.

Resolved (if the senate concur), That the foregoing amendments be referred to the legislature to be chosen at the next general election of senators, and that in conformity with section one of article thirteen of the constitution, they be published for three months previous to the time of such election.

STATE OF NEW YORK:
IN SENATE, *May* 24, 1880.
The foregoing resolutions were duly passed.
By order.
JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK:
IN ASSEMBLY, *May* 4, 1880.
The foregoing resolutions were duly passed.
By order.
EDW'D M. JOHNSON,
Clerk.

CONCURRENT RESOLUTION

Relative to the toll-sheet for eighteen hundred and eighty:

Resolved (if the assembly concur), That the legislature do concur in the recommendations of the canal board of the date of March third, eighteen hundred and eighty, as expressed in the appended resolution:

Resolved, That the canal board recommend to the legislature to concur in the rates of toll on the Black River canal as stated in the accompanying toll-sheet for the year eighteen hundred and eighty.

Resolved (if the assembly concur), That the legislature do concur in the recommendations of the canal board of the date of April thirteenth, eighteen hundred and eighty, as expressed in the appended resolution:

Resolved, That the canal board recommend to the legislature to concur in the rates of toll upon the Erie, Oswego, Champlain and Cayuga and Seneca canals as stated in the accompanying toll-sheet for the year eighteen hundred and eighty.

RATES OF TOLL.—1880.

Established by the Canal Board, on persons and property transported on the Black River Canal, to take effect on the opening of navigation.

Toll is to be computed upon the weight ("1,000 pounds per mile") of all articles contained in the following list, unless otherwise stated opposite to the articles excepted.

	cts. m. fr.
Boats	Free.
THE FOREST.	
Fur and peltry	Free.
PRODUCT OF WOOD.	
Ashes, pot and pearl	0 0 5
Ashes, leached	Free.
Lath per M per mile	0 0 1

	cts.	m.	fr.
Lath per 1,000 lbs. per mile	0	3	0
Staves, heading, etc	0	3	0
Shingles, per M per mile	0	0	1½
Shingles, per 1,000 lbs	0	0	5

WOOD FOR FUEL.

Slab wood, per cord	0	1	0
Cord wood, per cord	0	2	0

LUMBER No. 1.*— *By weight, per 1,000 pounds per mile:*

White pine, white-wood, bass-wood, cedar, boards, planks, scantling, and all sidings, and other sawed stuff less than one inch thick (except such as is enumerated in Lumber No 3)	0	3	0
Oak, hickory, beech, sycamore, black walnut, butternut, maple, ash, elm, fir, tamarack, yew and cherry	0	3	0
Hemlock and spruce	0	3	0

LUMBER No. 2.*— *By measurement, per 1,000 feet per mile:*

Boards, planks, scantling, railroad ties, pickets for fences, and sawed timber, siding, and other sawed stuff, less than one inch thick, reduced to inch measure (except such as is enumerated in Lumber No. 3); and all kinds of red cedar, cedar posts, estimated that a cord, after deducting for openings, will contain 1,000 feet	0	4	0
Hemlock and spruce, per 1,000 feet, per mile	0	4	0

LUMBER No. 3.*— *By weight, per 1,000 pounds per mile:*

Hoop poles, hand spikes, rowing oars, broom handles, spokes, hubs, treenails, fellies, boat and ship knees, plane stocks, pickets for fences, railroad ties, last blocks, stuff (manufactured or partly manufactured) for boxes, chairs and bedsteads, hop poles, brush handles, brush backs, looking-glass backs, gun stocks, plow beams and plow handles	0	3	0
Sawed stuff for window blinds, not exceeding one-fourth of an inch in thickness	0	7	0

☞* Lumber shall not be cleared by measurement when carried in a boat having other articles on board paying toll by *weight*, but such lumber shall in all cases be also cleared by weight.

When a cargo is composed entirely of lumber, which can be cleared by weight or measure, the whole of such cargo shall be cleared by measurement or by weight, as the shipper or master may elect, and in no case shall a portion of any such cargo be cleared by measurement and the other portion by weight.

Tan bark, per cord, per mile	0	5	0
Timber*—Squared and round, transported in rafts, per 100 cubic feet	1	5	0

AGRICULTURE.

PRODUCT OF ANIMALS.

Pork	Free.		
Beef	Free.		
Bacon	Free.		
Cheese	Free.		
Butter	Free.		
Lard, tallow and lard oil	Free.		
Wool	Free.		
Hides	0	1	0

VEGETABLE FOOD.

Flour	Free.		
Wheat	0	0	5
Rye	0	0	5
Corn	0	1	0
Corn meal	0	1	0
Barley	0	0	5
Barley malt	0	0	5
Oats	0	0	5
Bran and ship stuffs	0	0	5
Peas and beans	0	0	5
Apples	0	0	5
Potatoes	0	8	0
Dried fruit	Free		

☞* In the measurement of timber, bark adhering to the wood and refuse stuff are to be estimated as forming part of the timber, and to be rated accordingly.

ALL OTHER AGRICULTURAL PRODUCTS.

	cts. m. fr.
Cotton	Free.
Unmanufactured tobacco	Free.
Hemp	Free.
Clover and grass seed	Free.
Flax seed	Free.
Hops	Free.

MANUFACTURES.

Domestic spirits	Free.
Oil meal and cake	Free.
Leather	0 1 0
Furniture	0 0 5
Bar and pig lead	Free.
Pig iron	0 0 5
Bloom and bar iron	0 0 5
Castings and iron ware	0 0 5
Domestic woolens	Free.
Domestic cottons	Free.
Domestic salt	0 0 5
Foreign salt	0 2 5

MERCHANDISE.

Sugar	0 0 5
Molasses	0 0 5
Coffee	Free.
Nails, spikes and horse shoes	0 0 5
Iron and steel	0 0 5
Railroad iron	0 0 5
Flint, enamel, crockery, glassware	0 0 5
All other merchandise	0 0 5

OTHER ARTICLES.

Live cattle, hogs and sheep	Free.
Stone, lime and clay	0 0 5
Gypsum	0 0 5
Anthracite coal	0 0 1¼
Bituminous coal	0 0 1¼
Copper ore	0 0 5
Iron ore	0 0 2½
Petroleum or earth oil, crude and refined	0 0 2½
Articles not specified	0 0 5

RATES OF TOLL.—1880.

Established by the Canal Board on persons and property transported on the Erie, Champlain, Oswego, and the Cayuga and Seneca canals, to take effect on the opening of navigation.

Toll is to be computed upon the Weight ("1,000 pounds per mile") of all articles contained in the following list, unless otherwise stated, opposite to the articles excepted.

	Toward tide. cts. m. fr.	From tide. cts. m. fr.
Boats	Free.	Free.
THE FOREST.		
Fur and peltry	Free.	Free.
PRODUCT OF WOOD.		
Ashes, pot and pearl	0 0 5	0 0 2½
Ashes, leached	Free.	Free.
Lath per M per mile	0 0 1	0 0 1
Lath per 1,000 lbs. per mile	0 0 7½	0 0 7½
Staves and heading	Free.	Free.
Shingles, per M per mile	0 0 1¼	0 0 1¼
Shingles, per 1,000 lbs	0 0 5	0 0 5
WOOD FOR FUEL.		
Slab wood, per cord	0 1 0	0 1 0
Cord wood, per cord	0 2 0	0 2 0

	cts.	m.	fr.	cts.	m.	fr.
LUMBER No. 1.*—*By weight, per 1,000 pounds per mile:*						
White pine, white-wood, bass-wood, cedar, boards, planks, scantling, and all sidings, and other sawed stuff less than one inch thick (except such as is enumerated in Lumber No. 3)	0	0	7½	0	0	7½
Oak, hickory, beech, sycamore, black walnut, butternut, maple, ash, elm, fir, tamarack, yew and cherry,	0	0	5	0	0	5
Hemlock and spruce	0	0	3½	0	0	3½
LUMBER No. 2.*—*By measurement, per 1,000 feet per mile:*						
Boards, planks, scantling, railroad ties, pickets for fences, and sawed timber, siding, and other sawed stuff, less than one inch thick, reduced to inch measure (except such as is enumerated in Lumber No. 3); and all kinds of red cedar, cedar posts, estimated that a cord, after deducting for openings, will contain 1,000 feet	0	1	5	0	1	5
Hemlock and spruce per 1,000 feet per mile	0	1	0	0	1	0
LUMBER No. 3.*—*By weight, per 1,000 feet per mile.*						
Hoop poles, hand spikes, rowing oars, broom handles, spokes, hubs, treenails, fellies, boat and ship knees, plane stocks, pickets for fences, railroad ties, last blocks, stuff (manufactured or partly manufactured) for boxes, chairs and bedsteads, hop poles, brush handles, brush backs, looking-glass backs, gun stocks, plow beams and plow handles	0	0	7½	0	0	7½
Sawed stuff for window blinds, not exceeding one-fourth of an inch in thickness	0	2	0	0	2	0

☞ *Lumber shall not be cleared by measurement when carried in a boat having other articles on board paying toll by *weight*, but such lumber shall in all cases be also cleared by weight.

When a cargo is composed entirely of lumber, which can be cleared by weight or measure, the whole of such cargo shall be cleared by measurement or by weight, as the shipper or master may elect, and in no case shall a portion of any such cargo be cleared by measurement and the other portion by weight.

Timber.*—Squared and round, transported in rafts, per 100 cubic feet	0	5	0	0	5	0

AGRICULTURE.

PRODUCT OF ANIMALS.

Pork	Free.			Free.		
Beef	Free.			Free.		
Bacon	Free.			Free.		
Cheese	Free.			Free.		
Butter	Free.			Free.		
Lard, tallow and lard oil	Free.			Free.		
Wool	Free.			Free.		
Hides	0	0	5	0	0	2½

VEGETABLE FOOD.

Flour	Free.			Free.		
Wheat	0	0	5	0	0	2½
Rye	0	0	5	0	0	2½
Corn	0	0	5	0	0	2½
Corn meal	Free.			Free.		
Barley	0	0	5	0	0	2½
Barley malt	0	0	5	0	0	2½
Oats	0	0	5	0	0	2½
Bran and ship stuffs	0	0	5	0	0	2½
Peas and beans	0	0	5	0	0	2½
Apples	0	0	5	0	0	2½
Potatoes	0	0	5	0	0	2½
Dried fruit	Free.			Free.		

☞ *In the measurement of timber, bark adhering to the wood and refuse stuff are to be estimated as forming part of the timber and to be rated accordingly.

ALL OTHER AGRICULTURAL PRODUCTS.

	cts.	m.	fr.	cts.	m.	fr.
Cotton		Free.			Free.	
Unmanufactured tobacco		Free.			Free.	
Hemp		Free.			Free.	
Clover and grass seed		Free.			Free.	
Flax seed		Free.			Free.	
Hops		Free.			Free.	

MANUFACTURES.

Domestic spirits		Free.			Free.	
Oil, meal and cake		Free.			Free.	
Leather		Free.			Free.	
Furniture		0	0 5		0	0 2½
Bar and pig lead		Free.			Free.	
Pig iron		0	0 5		0	0 2½
Bloom and bar iron		0	0 5		0	0 2½
Castings and iron ware		0	0 5		0	0 2½
Domestic woolens		Free.			Free.	
Domestic cottons		Free.			Free.	
Domestic salt		0	0 5		0	0 5
Foreign salt		0	1 2½		0	1 2½

MERCHANDISE.

Sugar		0	0 5		0	0 2½
Molasses		0	0 5		0	0 2½
Coffee		Free.			Free.	
Nails, spikes and horse shoes		0	0 5		0	0 2½
Iron and steel		0	0 5		0	0 2½
Railroad iron		0	0 5		0	0 2½
Flint, enamel, crockery, glassware		0	0 5		0	0 2½
All other merchandise		0	0 5		0	0 2½

OTHER ARTICLES.

Live cattle, hogs and sheep		Free.			Free.	
Stone, lime and clay		0	0 5		0	0 2½
Gypsum		0	0 5		0	0 2½
Rock phosphates and superphosphates		Free.			Free.	
Anthracite coal		0	0 1¼		0	0 1¼
Bituminous coal		0	0 1¼		0	0 1¼
Copper ore		0	0 5		0	0 2½
Iron ore		0	0 2½		0	0 2½
Petroleum or earth oil, crude and refined		0	0 2½		0	0 2½
Articles not specified		0	0 5		0	0 2½

STATE OF NEW YORK,
CANAL DEPARTMENT.

I certify that I have compared the foregoing resolutions and toll-sheets with the original minutes of the canal board on file in this department, and that the same are true copies of the originals as adopted by the canal board on the third day of March and thirteenth day of April, eighteen hundred and eighty.

In witness whereof I have hereunto set my hand and affixed my official seal this thirteenth day of April, in the year eighteen hundred and eighty.

[L. S.] GEORGE W. SCHUYLER,
Auditor.

STATE OF NEW YORK:
IN SENATE, April 15, 1880.
The foregoing resolution was duly passed.
By order of the senate.
JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK,
IN ASSEMBLY, April 15, 1880.
The foregoing resolution was duly passed.
By order of the assembly.
EDW'D M. JOHNSON,
Clerk.

CONCURRENT RESOLUTION

Authorizing the secretary of State to compile, publish and distribute the election laws of the State.

Resolved (if the assembly concur), That the secretary of State be, and he is hereby authorized and directed to cause the election laws now in force in this State, or which may become laws at this session of the legislature, to be compiled and published in pamphlet form, with such notes, explanations, forms and instructions, as in his opinion may be necessary; and that he cause the same when published to be distributed through the several county clerks, in sufficient number to supply a copy to each of the several town clerks, and inspectors of election in this State; and that the same be so distributed on or before October first, eighteen hundred and eighty.

STATE OF NEW YORK:
IN SENATE, May 25, 1880.
The above resolution was duly passed.
By order of the senate.
JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK:
IN ASSEMBLY, May 27, 1880.
The above resolution was duly passed.
By order of the assembly.
EDWARD M. JOHNSON,
Clerk.

NAMES CHANGED.

UNDER AND PURSUANT TO CHAPTER EIGHTY OF THE LAWS OF EIGHTEEN HUNDRED AND SIXTY, AMENDATORY OF CHAPTER FOUR HUNDRED AND SIXTY-FOUR, LAWS OF EIGHTEEN HUNDRED AND FORTY-SEVEN.

CLERK'S OFFICE, COURT OF COMMON PLEAS FOR THE CITY AND COUNTY OF NEW YORK:

Pursuant to the provisions of chapter eighty of the laws of eighteen hundred and sixty, amendatory of chapter four hundred and sixty-four of the laws of eighteen hundred and forty-seven, I, the undersigned, clerk of the court of common pleas for the city and county of New York, do report, and certify, that the names of the following persons have been changed by the said court, during the year one thousand eight hundred and seventy-nine.

1. Ludwig Aub to Ludwig Lilienthal,
 to take effect January 31, 1879.
2. Herman Lachman to William Schmidt,
 to take effect February 18, 1879.
3. Charlotte Lachman to Charlotte Schmidt,
 to take effect February 18, 1879.
4. Elva Lutz to Elva Ross,
 to take effect April 10, 1879.
5. Rossmore Lucase to Rossmore Ross.
6. Violetta Lucase to Violetta Ross,
7. Clifford Lucase to Clifford Ross,
 to take effect April 10, 1879.
8. Sydney Colford Jones to Sydney Jones Colford,
 to take effect May 1, 1879.
9. Adelle Mead to Adelle Secor,
 to take effect May 1, 1879.
10. Isabella Lizzie May DeHeer Petit to Isabella Berrian Petit,
 to take effect May 30, 1879.
11. Ellen Minerva Winterbottom to Ella Jane Winterbottom,
 to take effect June 30, 1879.
12. John Robert Faber to John Eberhard Faber,
 to take effect June 1, 1879.
13. Rosa Smedburg to Rosa Lilienthal,
 to take effect July 7, 1879.
14. Louis James Furey to Louis James Pooler,
 to take effect July 13, 1879.
15. Edward L'Estrange Phibbs to Edward L'Estrange Phipps,
 to take effect July 14, 1879.

16. Charles James Dodgshun to Charles James Dodshun,
to take effect September 29, 1879.
17. Charles H. McIntyre to Charles H. Seymour,
to take effect October 11, 1879.
18. Emma Mayer to Emma Rosenbaum,
to take effect October 30, 1879.
19. Albinus Eustachius Morgatsch to Albinus Eustachius Netzel,
to take effect November 27, 1879.
20. Varille Bianche to Joseph Smith,
to take effect December 1, 1879.
21. Alfred Waterman Morgan to Edwin Denison Morgan,
to take effect December 1, 1879.
22. Rynear Moses to Moses Rynear,
to take effect December 9, 1879.
23. Thomas Michael Slattery to Michael Slattery Hengler,
to take effect January 1, 1880.
24. William Powell to William Courtney,
to take effect January 6, 1880.
25. Maria Louise Powell to Louise Gage Courtney,
to take effect January 6, 1880.
26. Millard Kasprowicz to Millard Cass,
27. Paul Kasprowicz to Paul Cass,
28. Charles Kasprowicz to Charles Cass,
to take effect January 20, 1880.

In attestation whereof I have hereunto affixed the seal of the said court, this 31st day of December, 1879.

[SEAL.] NATH'L JARVIS, JR.,
Clerk.

Filed January 2, 1880.
ANSON S. WOOD,
Deputy Secretary of State.

At a special term of the supreme court held at the court-house in the city of New York on the 6th day of July, 1880:

Present — Hon. CHARLES DONOHUE, *Justice:*

In the Matter of the petition of Page, Kidder and Fletcher, to change its corporate name.

The above-named corporation having made application to this court by petition for an order authorizing it to assume another corporate name: Now on reading and filing said petition, dated May 21st, 1880, verified by the chief officer of said corporation and due proof of the publication of notice of such application in the proper papers, and it appearing to the satisfaction of the court, that such notice has been so published, and that the application is made in pursuance of a resolution of the trustees of the said corporation from a certified copy of said resolution attached to said petition, and after hearing Elihu Root, Esq., of counsel for the said petitioner, no one appearing in opposition thereto, and the court being satisfied that there is no reasonable objection to such corporation changing its name, it is ordered that the said corporation, Page, Kidder and Fletcher, be authorized to assume the

proposed new corporate name, The New York Coal Tar Chemical Company.

It is further ordered that a copy of this order shall be filed in the office of the secretary of State, and with the county clerk of New York county, the county in which said corporation has a business office, and published in the Daily Register, a newspaper published in the city and county of New York, once a week for four weeks, and that when the said requirements have been complied with, the said corporation, from and after the 25th day of August, 1880, may be known by and use the said new corporate name hereinbefore designated.

(Indorsed filed *July* 13, 1880.)
[SEAL.] (A copy.) WM. A. BUTLER,
Clerk.

Filed July 14, 1880.
ANSON S. WOOD,
Deputy Secretary of State.

At a special term of the supreme court held at the chambers thereof, Kings county court-house in the city of Brooklyn on the 6th day of January, 1879:

Present—Hon. J. W. GILBERT, *Justice.*

In the Matter of the application of "Gethsemane Baptist Church" to change its name, and assume the name of "Willoughby Avenue Baptist Church."

Application having been made by Gethsemane Baptist Church of Brooklyn to this court for leave to change its corporate name, and to assume the name of Willoughby Avenue Baptist Church, and due notice having been published as required by statute, and it appearing that there is no reasonable objection to such change of name:

Now, on reading and filing the petition of the trustees of said church and proof of publication of notice of this application, and on motion of Rufus L. Scott, of counsel for said petitioners, it is

Ordered, that the name of said corporation be and the same hereby is changed in accordance with the prayer of the petitioners, and the said corporation is hereby authorized to assume the name of the "Willoughby Avenue Baptist Church" from and after the 1st day of February, 1879.

[L. S.] (A copy) JOHN DELMAR,
Clerk.

Filed January 8, 1879.
GEO. MOSS,
Deputy Secretary of State.

At a special term of the supreme court held in the court-house in the city and county of New York on the 10th day of March, 1879:

Present — Hon. ABRAHAM R. LAWRENCE, *Justice.*

In the Matter of the petition of The American Plumbers Publishing Co. to change its name to the "Plumber and Sanitary Engineer."

It appearing to the satisfaction of the court by the petition of "The American Plumbers Publishing Co.," verified by its chief officer, that there are grounds for the change of its corporate name to "Plumber and Sanitary Engineer," and that said application is made in pursuance of a resolution of the trustees of said corporation; and it appearing further that due notice of said application has been published as required by statute, and that there are no reasonable objections to such change of name:

Now, therefore, on motion of Mr. Charles Meyer, counsel for said petitioner,

Ordered, that "The American Plumbers Publishing Co." be and it hereby is authorized to change its said name for and to assume the new corporate name of, viz.: "Plumber and Sanitary Engineer." And further, that this order be published once in each week for four weeks in the Daily Register published in the city and county of New York.

(A copy.) HENRY A. GUMBLETON,
Clerk.

Filed March 13, 1879.
GEO. MOSS,
Deputy Secretary of State.

At a special term of supreme court, held in and for the city and county of New York, in the county court-house in the said city and county of New York, on the 5th day of August, 1879:

Present — Hon. CHARLES H. VAN BRUNT, *Judge.*

In the Matter of the petition of the Franklin Engraving and Printing Company to change its name to the Franklin Bank Note Company.

Application having been made to this court by the petition of the Franklin Engraving and Printing Company, verified by Charles F. Steele, its president, setting forth the grounds for the change of its corporate name to the Franklin Bank Note Company, and it appearing to the satisfaction of the court that due notice of said application has been published as required by statute, and that said application is made in pursuance of a resolution of the trustees of said corporation, and the court being satisfied, by said petition so verified, that there is no reasonable objection to the said corporation changing its name and assuming a new corporate name:

Now, therefore, on motion of William J. Gibson, of counsel for said petitioner, it is ordered that the Franklin Engraving and Print-

ing Company be and it hereby is authorized to change its said name to, and assume the new corporate name of, the Franklin Bank Note Company, in and after the 7th day of August, 1879; and it is further ordered that a copy of this order be published once in a week for four weeks, in the Daily Register, a newspaper published in the city and county of New York.

(Indorsed: Filed August 5, 1879.)

[L. S.] (A copy.) HUBERT O. THOMPSON,
Clerk.

Filed August 6, 1879.

GEO. MOSS,
Deputy Secretary of State.

STATE OF NEW YORK, }
City and County of Abany, } *ss.:*

Pursuant to the statutes in such case made and provided, I, John Larkin, clerk of the city and county aforesaid, do hereby certify the following change of names was made by the courts of the county during the year 1879, viz.:

Emma Alice Simmons to the name of Emma Alice Fensham, to take effect July 5, 1879.

Flora Amanda Simmons to the name of Flora Amanda Fensham, to take effect July 5, 1879.

William Henry Lavalle to the name of John William Sanford, to take effect from and after September, 1879.

In testimony whereof I have hereunto set my hand and affixed the seal of said county this 13th day of September, 1879.

[L. S.] JOHN LARKIN,
Clerk.

Filed September 13, 1879.

GEO. MOSS,
Deputy Secretary of State.

At a special term of the supreme court, held for the State of New York, at the court-house in the city of New York, on the 6th day of October, 1879:

Present—Hon. GEORGE C. BARRETT, *Justice.*

In the Matter of the petition of the Hurd's Magical Mixture Company for leave to assume another corporate name.

On reading and filing the petition in the above matter, duly verified, of the Hurd's Magical Mixture Company, a corporation of the State of New York, and having its chief and only business office in this State, in the city and county of New York; and it appearing to the satisfaction of the court that due notice of this application has been published according to law; and that such application is made in

pursuance of a resolution of the trustees of said company, and the court being satisfied that there is no reasonable objection to said corporation changing its name; now, on motion of Sewall Sergeant, Esq., of counsel for said company, petitioner, no one opposing,

It is ordered, that the prayer of said petition be, and the same hereby is, granted; that the Hurd's Magical Mixture Company be, and the same hereby is authorized to assume the corporate name of Hurd Chemical Company, in place and stead of its present corporate name; that a copy of this order be filed according to law, and published in the "Daily Register," a newspaper published in the city and county of New York, once in each week for four weeks next ensuing the entry of this order, that being the only county in this State in which said corporation has a business office, and that said corporation, upon complying with the terms of this order, be known by and use said new corporate name of Hurd Chemical Company, in place and stead of its present corporate name, from and after the 15th day of November, 1879.

Enter.

[L. S.] (A copy.) GEO. C. BARRETT, *J. S. C.*

HUBERT O. THOMPSON, *Clerk.*

Filed October 7, 1879.

GEO. MOSS,
Deputy Secretary of State.

At a general term of the supreme court of the State of New York, held in and for the first department, at the court-house, New York city, this 24th day of October, 1879:

Present — Hon. NOAH DAVIS, *Chief Justice.*
Hon. JOHN R. BRADY, } *Associate Justices.*
Hon. C. R. INGALLS, }

In the Matter of the petition of The Evangelical United Brothers, for change of name.

On reading and filing the petition of William Roeber, president of the board of trustees of the Evangelical United Brothers, together with a copy of the original certificate of incorporation, the affidavit of the Rev. Frederick Stof, and the resolution of the board of trustees of the church or congregation aforesaid, authorizing and directing the petitioner aforesaid to apply to this court, pursuant to law, for the correction of the original certificate of incorporation aforesaid from the name or style of the "United Evangelical Brethren" to their true name and style of "The Evangelical United Brothers," on the ground that the former name was the result of inadvertence or mistake, and that an order of the court may be granted changing the name of said corporation from the name and style of the "United Evangelical Brethren" to that of "The Evangelical United Brothers."

And it likewise appearing that the said corporation is a religious corporation, organized and incorporated under the general laws of the State of New York, owning property, and transacting its religious services within the county of New York, and has no other property in this State, is free from debt, and that there are no suits pending or

contemplated, or judgments standing against said corporation, and that no reasonable objection exists against said change of name,

It is, on motion of John S. McGill, of counsel for the petitioner, and of said corporation, ordered,

That the religious corporation heretofore known and distinguished as the "Evangelical United Brothers" among its members, but mistakenly incorporated under the name and style of the "United Evangelical Brethren," be, and they are hereby authorized and empowered forthwith to assume and change their corporate name to that originally intended, of the "Evangelical United Brothers."

It is further ordered that a copy of this order be filed in the office of the secretary of State of the State of New York, and in the office of the clerk in and for the city and county of New York.

[L S.] (A copy.) HUBERT O. THOMPSON,
Clerk.

Filed November 12, 1879.
GEO. MOSS,
Deputy Secretary of State.

At a county court held at Morrisville, in and for the county of Madison, on the 28th day of April, 1879:

Present — Hon. CHAS. L. KENNEDY, *County Judge.*

In the Matter of the application of Francis Wayland Smith for leave to change his name to Francis Wayland-Smith.

On reading and filing the petition and affidavit of Francis Wayland Smith, dated the 23d day of April, 1879, and on motion of said petitioner, ordered that said petitioner may from and after the first day of June, 1879, assume the name of Francis Wayland-Smith, so that his surname shall be Wayland-Smith instead of simply Smith as heretofore.

CHAS. L. KENNEDY,
County Judge Madison County.

STATE OF NEW YORK, } *ss.:*
County of Madison, }

I, the undersigned, clerk of said county, hereby certify that the foregoing is a true copy of an order entered in this office on the 28th day of April, 1879, and of the whole of said order.

In witness whereof I have herewith set my hand and affixed the seal of said county and court, this 16th day of December, A. D. 1879.

[L. S.] JOHN N. WOODBURY,
Clerk.

Filed December 17, 1879.
GEO. MOSS,
Deputy Secretary of State.

At a special term of the supreme court of the State of New York in and for the city and county of New York, held at the chambers of the justices thereof in the court-house in the city of New York, on the 18th day of December, 1879:

Present — Hon. H. C. VAN VORST, *Justice.*

In the Matter of the petition of the American Loan Company for a change of its corporate name.

On reading and filing the annexed petition of the American Loan Company, dated December 9th, 1879, and the copy of a resolution of the directors of said company and the affidavits of printers, marked "Exhibits A, B and C," and on motion of Edward L. Andrews, counsel for said company, it is ordered that the corporate name of the said American Loan Company be, and the same hereby is, changed to that of the "American Loan and Deposit Company." That from and after the day of the date of this order said company shall be known by and use the said name of the "American Loan and Deposit Company." And it is further ordered that said company be entitled to do business and perform all acts under said new corporate name from and after the said date of this order.

Dated New York, December 18th, 1879.

(Indorsed filed December 19th, 1879.)

[L. S.] (A copy.) HUBERT O. THOMPSON,
Clerk.

Filed December 20, 1879.

GEO. MOSS,
Deputy Secretary of State.

Pursuant to the statute in such case made and provided, I, John Delmar, clerk of the county of Kings, do hereby certify that the following changes of names were made by the courts of this county during the year 1879, viz.:

Gethsemane Baptist Church to Willoughby Avenue Baptist Church,
to take effect on and after February 1, 1879.

Seligman Recht to Simon Wright,
to take effect on and after March 1, 1879.

Louis Albert Harbrecht to Louis Albert Brits,
to take effect on and after September 22, 1879.

George F. Dutch to George F. Dutcher,
to take effect on and after September 13, 1879.

Joseph Gruschenke to Joseph Gru; Rachel Gruschenke to Rachel Gru; George Gruschenke to George Gru; James Gruschenke to James Gru; Hannah Gruschenke to Hannah Gru; Michael Gruschenke to Michael Gru,
to take effect on and after October 15, 1879.

Ganet M. Crabb to Ganet C. Martense,
to take effect on and after October 1, 1879.

William Wohlcker to William Walton,
Lewis Wohlcker to Lewis Walton,
to take effect on and after November 17, 1879.

Gerard Moore Amerman to Gerard Moore Lyon,
to take effect on and after November 24, 1879.

Martin Amos Tinker to Martin Anderson Ticknor,
to take effect on and after December 31, 1879.
William Page to William Howe,
to take effect on and after January 10, 1880.

In testimony whereof, I have hereunto set my hand and affixed my official seal of said county this 31st day of December, 1879.

[L. S.] JOHN DELMAR,
Clerk.

Filed January 2, 1880.
ANSON S. WOOD,
Deputy Secretary of State.

STATE OF NEW YORK,
Cortland County Clerk's Office, } ss.:

Pursuant to the statute in such case made and provided, I, William S. Maycumber, clerk of the county of Cortland, do hereby certify, that the following change of name was made by the county court of this county, during the year 1879, viz.:

Edwin Venell Johnson to Edwin Venell Price,
to take effect from and after December 10, 1879.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county, this 31st day of December, 1879.

[L. S.] W. S. MAYCUMBER,
Clerk.

Filed January 2, 1880.
ANSON S. WOOD,
Deputy Secretary of State.

STATE OF NEW YORK,
Ulster County Clerk's Office, } ss.:

Pursuant to the statute in such case made and provided, I, David B. Castree, clerk of the county aforesaid, do hereby certify the following change of name was made by the county court of this county during the year 1879, viz.:

John C. Hurley of the city of Kingston to John C. Burly,
to take effect from and after January 21, 1880.

In witness whereof, I have hereunto set my hand and official seal this 6th day of January, 1880.

[L. S.] CORNELIUS B. SMITH,
Deputy Clerk.

Filed January 7, 1880.
ANSON S. WOOD,
Deputy Secretary of State.

STATE OF NEW YORK,
Suffolk County Clerk's Office, } ss.:

I, Orville B. Ackerly, clerk of the county of Suffolk, in pursuance of the act entitled "An act to authorize persons to change their names," passed December 14, 1847, and of the acts amendatory thereof, passed

March 17, 1860, do certify that the names of the following persons and corporations were changed, under and by virtue of said acts, during the years 1876, 1877, 1878 and 1879, viz.:

John P. A. Disch to John Price. Order entered May 3, 1876.

The Wardens and Vestrymen of St. Mary's Church, at Lake Ronkonkoma, in the town of Brookhaven, in the county of Suffolk, to The Rector, Wardens and Vestrymen of St. Mary's Church, at Lake Ronkonkoma, in the county of Suffolk and State of New York. Order entered April 18, 1878.

John Ripper to John Rippere. Order entered July 31, 1878.

The Trustees of the Presbyterian Church and Congregation of Freshpond to the Trustees of the Presbyterian Church and Congregation of Northport. Order entered November 23, 1878.

In testimony whereof I have hereunto set my hand and affixed the seal of said county of Suffolk, at Riverhead, N. Y., January 15, 1880.

[L. S.] ORVILLE B. ACKERLY,
Clerk.

Filed Jan. 17, 1880.
JOSEPH B. CARR,
Secretary of State.

At a special term of the supreme court of the State of New York held at the county court-house, New York city, on the 2d day of February, 1880:

Present — Hon. ABRAHAM R. LAWRENCE, *Justice.*

In the Matter of the application of the Averill Chemical Paint Company for an order authorizing it to assume the corporate name of the Averill Paint Co.

On reading the petition of the Averill Chemical Paint Company duly verified, filed on the 17th day of December, 1879, in the office of the clerk of this court, and on the proofs accompanying the same, and it appearing to the satisfaction of the court, from said petition, that there is no reasonable objection to such corporation changing its name as prayed for:

Now, on application of Messrs. Childs & Hull, of counsel for said corporation, and no person appearing in opposition, it is ordered that the Averill Chemical Paint Company be and it hereby is authorized to assume the name of The Averill Paint Company on and after this date.

(Indorsed: Filed February 3, 1880.)

[L. S.] (A copy.) WILLIAM A. BUTLER,
Clerk.

Filed February 4, 1880.
ANSON S. WOOD,
Deputy Secretary of State.

At a special term of the supreme court of the State of New York, held in and for the county of New York, at the court-house in said city and county, on the 24th day of February, 1880:

Present — Hon. ABRAHAM R. LAWRENCE, *Justice.*

In the Matter of the application of "The J. G. Shaw Company" to change its name to the "National Blank Book Company."

On reading and filing the petition of the J. G. Shaw Company, by its president, Franklin Sargeant, for leave to change the name of the said "The J. G. Shaw Company" to the "National Blank Book Company," and on due proof of the publication of the application of the said The J. G. Shaw Company for an order to authorize it to assume the corporate name of the "National Blank Book Company," in the Albany Argus and in the Daily Register, and on motion of Alfred J. Taylor, Esq., in favor of said application, no one being opposed, ordered:

That the said "The J. G. Shaw Company" is hereby authorized to assume the corporate name of the "National Blank Book Company" and that from and after the 25th day of March, 1880, said company shall be known by and use the corporate name of "National Blank Book Company."

Ordered further that this order be published once a week for four weeks successively in the Daily Register, a newspaper published in the city and county of New York.

(Indorsed: Filed February 24, 1880.)

(A copy.) WILLIAM A. BUTLER,
Clerk.

STATE OF NEW YORK,
Office of the Secretary of State.

Filed February 25, 1880,
ANSON S. WOOD,
Deputy Secretary of State.

At a special term of the supreme court held at the chambers thereof, at the new court-house in the city of New York, on the 1st day of March, 1880.

Present — Hon. CHARLES DANIELS, *Justice:*

In the Matter of the application of the "American Spectator Publishing Company, limited," to change its name to the "Hour Publishing Company, limited."

On reading and filing the petition of the "American Spectator Publishing Company, limited," praying that the name of such corporation be changed to the "Hour Publishing Company, limited," and upon proof that notice of such application has been duly published for six weeks in the State paper, and also in the Daily Register as required by law, and it appearing that such application is made in pursuance of a resolution of the directors of such corporation, and that there is no reasonable objection to such change of name:

Ordered, that the prayer of the petitioner be, and the same hereby is granted; and it is further

Ordered, that the name, the "American Spectator Publishing Company, limited," from the date of the signing of this order, viz.: from the 1st day of March, 1880, be and the same hereby is changed to the "Hour Publishing Company, limited," and that hereafter, such corporation shall be known by, and shall use such new corporation name, and that a copy of this order be published once a week for four weeks in the Daily Register.

(Indorsed: Filed March 2d, 1880.)

[L. S.] (A copy.) WILLIAM A. BUTLER,
Clerk.

STATE OF NEW YORK,
Office of the Secretary of State.

Filed March 9, 1880.

ANSON S. WOOD,
Deputy Secretary of State

At a special term of the supreme court held in and for the city and county of New York, at the court-house in the city of New York, on the 26th day of April, 1880:

Present — CHARLES DONOHUE, *Justice:*

In the Matter of the application to change the corporate name of the American Exchange to the Butter, Cheese and Egg Exchange.

On reading and filing the petition of the American Exchange of the city of New York, a body corporate, praying this court that they be allowed to change its corporate name to the Butter, Cheese and Egg Exchange, and having been satisfied by said petition, duly verified and the affidavits accompanying the same, that due notice of such application has been published as provided by law, and that there is no reasonable objection to such corporation changing its name, now on motion of T. Mortimer Searer, attorney for petitioner,

Ordered, that from and after the 26th day of April, 1880, the corporate name of the American Exchange of New York city be changed to the Butter, Cheese and Egg Exchange, and said corporation on and after said date be known by, and have the right to use the new corporate name herein designated.

And it is further ordered that a copy of this order be filed in the office of the secretary of State, and in the office of the clerk of the city and county of New York, and that a copy of this order be published once in each week for four weeks in the Daily Register of the city of New York.

(Indorsed: Filed April 27th, 1880.)

[L. S.] (A copy.) WILLIAM A. BUTLER,
Clerk.

STATE OF NEW YORK,
Office of the Secretary of State.

Filed April 29, 1880.

ANSON S. WOOD,
Deputy Secretary of State.

At a special term of the supreme court of the State of New York, held in the city of New York, at the court-house in said city, on the 28th day of February, 1880.

Present—Hon. A. R. LAWRENCE, *Justice*.

In the Matter of the petition of the Public Exchange to change its name to that of the "Mining Trust Company."

On reading and filing the affidavit of Rufus W. Leavitt, president of said Public Exchange, the petitioner of said Public Exchange, and the affidavits of publication of notice of motion in this matter:

Now, on motion of Sidney DeKay, Esq., of counsel for the petitioner, and no one appearing in opposition thereto,

It is ordered, that the name of the corporation now known as the Public Exchange be, and the same is hereby, changed to that of the "Mining Trust Company," to take effect on the 5th day of April, 1880.

(Indorsed: Filed February 28th, 1880.)

(A copy.) WM. A. BUTLER,

[L. S.] *Clerk.*

STATE OF NEW YORK,
Office of the Secretary of State.

Filed March 2, 1880.

ANSON S. WOOD,
Deputy Secretary of State.

At a special term of the supreme court, held at the court-house, at Saratoga Springs, in the county of Saratoga, the 14th day of June, 1880:

Present—Hon. A. BOCKES, *Justice*.

In the Matter of the application of the Hudson River Pulp Company to change its name to Hudson River Pulp and Paper Company.

On reading and filing the petition of the Hudson River Pulp Company, praying that the name of such corporation be changed to Hudson River Pulp and Paper Company, and upon proof that notice of such application has been duly published for six weeks in the State paper, and also in the Daily Register, published in the city of New York, and also in the Ballston Democrat, published in the county of Saratoga, as required by law, and it appearing that such application is made in pursuance of a resolution of the directors of such corporation, and it further appearing to the satisfaction of the court that there is no reasonable objection to such change of name:

Now, upon motion of Vinton, Belmont & Frelinghuysen, Esqrs., of counsel for said petitioner,

Ordered, that the prayer of the petitioner be, and the same is hereby granted; and it is further

Ordered, that the name of the "Hudson River Pulp Company," from the date of the signing of this order, viz.: from the 14th day of June, 1880, be, and the same hereby is, changed to the "Hudson River Pulp and Paper Company," and that a copy of this order be published once a week for four weeks in the State paper; also in said newspaper called the Daily Register, published in the city and county of New York; also in said newspaper called the Ballston Democrat, published in the county of Saratoga.

A. BOCKES,
Justice of Supreme Court.

STATE OF NEW YORK,
Office of the Secretary of State.
Filed June 19, 1880.

ANSON S. WOOD,
Deputy Secretary of State.

At a special term of the supreme court, held at the city and county hall, in the city of Buffalo, in and for the eighth judicial district of the State of New York, on the 15th day of June, 1880.

Present — Hon. ALBERT HAIGHT, *Justice Presiding.*

SUPREME COURT — ERIE COUNTY.

In the Matter of the application of the Homœopathic College of Physicians and Surgeons for an order authorizing a change in its corporate name.

On reading and filing the petition of the Homœopathic College of Physicians and Surgeons, and due proof of publication of notices of this application, in the manner and for the time required by law:

It is now, on motion of Tracy C. Becker, Esq., attorney for said corporation,

Ordered, that the name of said corporation be changed from "The Homœopathic College of Physicians and Surgeons" to "The College of Physicians and Surgeons at Buffalo, New York," said change to take effect on the 15th day of July, 1880; and it is further

Ordered, that this order be published once in each week for four successive weeks, beginning on the 16th day of June, 1880, in the Buffalo Commercial Advertiser.

(A copy.)

CHAS. H. AVERY,
Sp. Deputy Clerk.

Filed July 3d, 1880.

ANSON S. WOOD,
Deputy Secretary of State.

STATEMENT relative to Business Corporations, organized during the period beginning January 1, 1879, to and including December 31, 1880, made pursuant to section 9 of chapter 611, Laws of 1875.

CORPORATE NAME OF CORPORATIONS.	PRINCIPAL BUSINESS AND OBJECTS OF CORPORATIONS.	Date of filing preliminary certificate.	Date of issue of final certificate of incorporation by Secretary of State.	Location of principal business office.	Amount of original capital.	Change of capital stock.	Date of filing certificate of change.
Harris Buttonhole Company, limited, The	Manufacturing leather button holes	November 27, 1878	January 6, 1879	Brooklyn	$24,000 00		
Garden Growth Tea Company, limited, The					5,000 00	$10,000 00	Jan. 18, '79
H. Tanszky Compressed Yeast Company, limited, The	Manufacturing and selling compressed yeast	January 13, 1879	January 22, 1879	New York city	50,000 00		
Fruit Merchants Steamship Association, The	Transporting fruit and passengers	January 11, 1879	January 29, 1879	New York city	20,000 00		
Central Construction Company of New York City, limited, The	Erecting and maintaining telegraph lines	January 17, 1879	February 1, 1879	New York city	5,000 00		
Salmon River Paper Company "limited," The	Manufacturing paper and wood pulp	January 29, 1879	February 6, 1879	Pulaski	20,000 00		
Olean Petroleum Producers' Association, "limited," The	Producing, buying and selling petroleum	September 7, 1878	February 6, 1879	Olean	5,000 00		
Hat Manufacturers' Association, "limited," The	Controlling patents for the manufacture of hats	June 18, 1879	February 13, 1879	New York city	10,000 00		
Buffalo Abbott Paving Company, limited, The	Paving streets in Buffalo and elsewhere	May 2, 1878	February 19, 1879	Buffalo	25,000 00		
Russell Manufacturing Company, limited, The	Manufacturing tag-fasteners and bags	January 24, 1879	February 20, 1879	New York city	6,000 00		
Universal Paper Company, limited, The	Manufacturing paper and paper products	February 8, 1879	February 20, 1879	Chatham	30,000 00	35,000 00	Apr. 7, 79
American Bankers and Merchants' Agency, limited, The	Collecting accounts and publishing papers and books	January 28, 1879	February 24, 1879	New York city	10,000 00		
American Encaustic Tiling Company, limited, The				New York city	80,000 00	55,650 00	Feb. 24, '79
Manhattan Beach Improvement Company, limited, The	To increase the attractiveness of Manhattan Beach as a public resort, by the erection of hotels, etc	October 4, 1878	March 5, 1879	Manhattan B'h	1,000,000 00		
Metropolitan Concert Company, limited, The	To give concerts and found a musical library	February 13, 1879	March 13, 1879	New York city	50,000 00	100,000 00	Oct. 14, '79
Wiles Laundering Company, limited, The	Carrying on the laundry business	February 27, 1879	March 14, 1879	Troy	60,000 00		
Preemption Park, limited, The	To furnish grounds for exhibition purposes	January 27, 1879	March 29, 1879	Geneva	7,500 00		
Gravesend Land Company (limited)	To purchase and improve lands in Kings county for a public resort	March 18, 1879	April 2, 1879	Gravesend	50,000 00		
Precious Metal Miners Protective and Transfer Association, limited	The negotiation of precious metal, mining properties and facilities for mining	March 14, 1879	April 5, 1879	New York city	2,500 00		
Auburn Steam Heating Company, limited, The				Auburn	15,000 00	30,000 00	Apr. 5, '79
Exporters and Producers' Oil Company (limited), The	Purchasing, etc., coal oil and timber and wood lands	January 16, 1879	April 9, 1879	New York city	30,000 00	50,000 00	Nov. 10, '79
Saratoga Paper Company, limited	Manufacturing and sale of paper	April 4, 1879	April 12, 1879	New York city	10,000 00		
American Ship Publishing Company (limited), The	Publishing a newspaper to disseminate nautical, mechanical and commercial knowledge	September 16, 1878	April 14, 1879	New York city	12,000 00		
American Commercial and Industrial Company, The	To facilitate colonization in, and commerce with Central and South America	February 13, 1879	April 18, 1879	New York city	100,000 00		
Oneida Block Company, limited	Erection of a building for manufacturing purposes	April 15, 1879	April 25, 1879	Oneida	16,000 00		
Arlington Manufacturing Company, "limited"	Manufacturing and dealing in lumber, etc	March 26, 1879	April 25, 1879	New York city	200,000 00		
American Aeronautic Company of New York "limited," The	Building and operating balloons, etc	April 9, 1879	April 26, 1879	New York city	32,000 00		
Porter Manufacturing Company, limited, The				Syracuse		100,000 00	Apr. 30, '79
American Newspaper Union Advertising Company, limited	Publishing advertisements in newspapers	March 5, 1879	May 3, 1879	New York city	50,000 00		
Edison Telephone Company of Europe, limited, The	Purchasing, owning and using telephones	May 3, 1879	May 14, 1879	New York city	100,000 00		
Bonsliate Company, limited, The			April 3, 1878	Albany	18,000 00	50,000 00	May 22, '79

BUSINESS CORPORATIONS — (*Continued*).

CORPORATE NAME OF CORPORATIONS.	PRINCIPAL BUSINESS AND OBJECTS OF CORPORATIONS.	Date of filing preliminary certificate.	Date of issue of final certificate of incorporation by Secretary of State.	Location of principal business office.	Amount of original capital.	Change of capital stock.	Date of filing certificate of change.
American Industrial Exhibit Company, limited, The	To establish museum of new inventions	March 17, 1879	May 23, 1879	New York city.	$100,000 00		
Erie Basin Dock and Warehouse Company, limited				New York city.	526,000 00	$576,000 00	May, 23, '79
Oysterman's Dock Company, limited, The	To erect a dock in Oyster Bay harbor	May 9, 1879	May 26, 1879	Oyster Bay	2,000 00		
German Publishing Company of New York, "limited"	Printing and publishing books and newspapers	May 14, 1879	May 26, 1879	New York city.	30,000 00		
Horse Nail Manufacturing Company of Essex, New York, limited, The	Manufacturing and selling horse-nails and horse-nail machinery	May 16, 1879	June 4, 1879	Essex	100,000 00		
Welling Compressed Ivory Manufacturing Company, "limited"	The manufacture and sale of compressed ivory	May 31, 1879	June 11, 1879	New York city.	100,000 00		
American Machinist Publishing Company, The	Publishing and printing a periodical devoted to trade in machinery, etc	June 3, 1879	June 16, 1879	New York city.	50,000 00		
Bell Meter Company, limited	The manufacture and sale of water-meters	June 7, 1879	June 21, 1879	New York city.	5,000 00		
John Stephenson Company, limited				New York city.	300,000 00	150,000 00	June 23, '79
American Lumber Company, limited, The				New York city.	25,000 00	10,000 00	June 26, '79
London Needle Company	Importing, buying and selling needles and pins	May 24, 1879	July 1, 1879	New York city.	2,500 00		
Lakotah Company, limited, The	Ranching and breeding horses and cattle	June 21, 1879	July 16, 1879	New York city.	100,000 00		
Seneca Falls Yeast Company, limited, The	Manufacturing hop yeast and yeast cakes	April 28, 1879	July 18, 1879	Seneca Falls	10,000 00		
National Construction Company (limited), The	Building piers, docks, jetties, etc	June 7, 1879	July 24, 1879	New York city	100,000 00		
Western New York Preserving and Manufacturing Company, "limited," The	Cultivating, canning and preserving fruits, meats and vegetables	June 26, 1879	July 30, 1879	Springville	10,000 00		
Bangor Central Slate Company, The	Mining, manufacturing and selling slate	July 17, 1879	July 31, 1879	New York city.	100,000 00		
New York Street Lighting Company, "limited,"	Lighting and illuminating streets and public places	December 23, 1878	August 6, 1879	New York city.	10,000 00		
Goodyear Rubber Company	Manufacturing and dealing in india rubber and gutta percha goods		August 9, 1879	New York city.	500,000 00	Reorganized as a full liability company.	
Wilson Yeast and Manufacturing Company, limited, The	Manufacturing yeast and wooden ware	August 20, 1879	August 23, 1879	Waterloo	20,000 00		
New York Packing Company, limited	Preserving and canning meats, etc	August 8, 1879	August 23, 1879	New York city.	5,000 00		
Richmond County Land Company, limited, The	Dealing, etc., in land and real estate in Richmond county, N. Y	March 19, 1879	August 26, 1879	New York city.	1,500 00	2,000,000 00	Sept. 11, '79
Whitney Spring Company, limited, The				Poughkeepsie	20,000 00		Aug. 27, '79
Knoch and Ridder Manufacturing Company, "limited"	Manufacturing tuckers for sewing machines, and stationery-hardware	August 23, 1879	September 3, 1879	New York city.	1,000 00		
Buffalo Refining Company, limited	Buying, refining and selling petroleum	September 6, 1879	September 15, 1879	Buffalo	50,000 00		
Dale Tile Manufacturing Company, limited				New York city.	40,000 00	50,000 00	Sept. 15, '79
College Point Rubber Company, limited				New York city.	75,000 00	100,000 00	Sept. 17, '79
Star Car Company, limited	Manufacturing cards, card-board, etc	September 13, 1879	September 22, 1879	New York city.	10,000 00		
Haynes' Car-Axle Box Company, limited, The	Manufacture and sale of car axle-boxes, etc	September 15, 1879	October 9, 1879	New York city.	8,000 00		
Ocean Transportation Company, limited	To charter, hire and own steam and other vessels, and employ the same etc	October 2, 1879	October 18, 1879	New York city.	100,000 00	10,000 00	Oct. 20, '79
Arizona Milling and Mining Company, limited					51,000 00		
New York and New Mexico Mining and Smelting Company (limited), The	Mining and smelting ores	October 10, 1879	October 24, 1879	New York city.	10,000 00		
Ulster Iron Works Company, limited	Manufacturing iron	October 4, 1879	October 28, 1879	New York city.	80,000 00		
Rumsey and Company, limited				Seneca Falls	100,000 00	90,000 00	Oct. 28, '79
Bell Type Engraving Company, limited	The reproduction of illustrative matter, to be used in the ordinary printing press	October 23, 1879	November 1, 1879	New York city.	20,000 00		
Niagara Falls Hydraulic Power and Manufacturing Company, The				Niagara Falls	10,000 00	500,000 00	Nov. 3, '79
Purdy and Huntington Company, limited, The				New York city.	5,000 00	10,000 00	Nov. 10, '79

BUSINESS CORPORATIONS — (*Continued*).

CORPORATE NAME OF CORPORATIONS.	PRINCIPAL BUSINESS AND OBJECTS OF CORPORATIONS.	Date of filing preliminary certificate.	Date of issue of final certificate of incorporation by Secretary of State.	Location of principal business office.	Amount of original capital.	Change of capital stock.	Date of filing certificate of change.
Roxbury Mining and Milling Company, "limited," The	Mining, etc., of quarts and silica in Roxbury, Conn.	October 21, 1879	November 12, 1879	New York city.	$18,500 00		
Clark Colored Brick and Terra Cotta Company, limited, The	Manufacture brick of colored blocks, etc.	November 6, 1879	November 13, 1879	Troy	60,000 00		
New York Stock Company, limited	Buying and selling stocks, etc.	October 14, 1879	November 15, 1879	New York city.	100,000 00		
Oriskany Malleable Iron Company, "limited," The	The manufacture of malleable iron"	October 31, 1879	November 20, 1879	Oriskany	8,000 00		
New York Hoop Company (limited), The	Manufacture and sell machines, etc	October 3, 1879	November 20, 1879	Gravesend	500,000 00		
New York Spar and Flint Pulverizing Company (limited)	Pulverize and mine potter's material, etc.	November 15, 1879	December 3, 1879	New York city.	10,000 00		
Metropolitan Building Company, limited	Dealing in real estate in New York city	July 9, 1879	December 18, 1879	New York city.	1,000,000 00		
American Spectator Publishing Company, limited	Publishing a weekly newspaper	December 1, 1879	December 22, 1879	New York city.	50,000 00		
New York Spund Apparatus Company, "limited."	Manufacture and sale of valves, etc., for liquids	December 6, 1879	December 30, 1879	New York city.	2,500 00		

INDEX.

ABORTIONS. PAGE.

Act to prevent, amended, chap. 283 419

ACCIDENTS.

Preventing, to children, chap. 585 876

ACKNOWLEDGMENTS.

By married women, amended, chap. 300 443

ACTIONS.

Bringing of, for relief, when instruments have been recorded, chap. 530 747

ADIRONDACK SURVEY.

Appropriation for, chap. 141, 258; chap. 549 794

ADJUTANT-GENERAL.

Appropriation, chap. 549 792

ADMINISTRATORS.

Revised Statutes amended, chap. 231 351

AGREEMENTS.

Actions for relief when agreements have been recorded, chap. 530 747

AGRICULTURE.

Appropriation for the promotion of, chap. 141 255

AGRICULTURAL EXPERIMENT STATION.

Establishing, chap. 592 883

ALANSON M. E. CHURCH.

May transfer certain real property, chap. 216 332

ALBANY ARSENAL.

Appropriation for repairs, chap. 466 669

ALBANY CITY.

Acts in relation to, amended, chap. 41 145
Annexation of parts of Bethlehem and Watervliet, amended, chap. 333 498
Board of public instruction, act to create, amended, chap. 120 231
Grading of Delaware avenue, chap. 291 432
May issue bonds for South Pearl street improvements, chap. 290 430
New city hall building, providing for, chap. 285 422
School property in, relating to the sale of, chap. 118 229

ALBANY COUNTY.

(See, also, ALBANY CITY.)

Annexation of parts of Bethlehem and Watervliet to Albany city, amended, chap. 333 498
Cohoes, city of, charter amended, chap. 330, 492 456, 657
Cohoes, city of, repealing acts amending water act, chap. 331 493
New city hall and county building, providing for, chap. 285 422
West Troy, village of, establishing a board of fire commissioners in, chap. 329 488
West Troy, village of, trustees may construct sewer in Utica street, chap. 488 698

ALBION, VILLAGE OF.
Charter amended, chap. 242 364
ALERT HOSE COMPANY OF MEDINA.
Incorporation of, chap. 409 553
ALLEGANY COUNTY.
Wellsville, village of, relative to sidewalks, amended, chap. 361 539
AMENDMENTS.
Constitutional, submission of, to electors, chap. 491 701
Concurrent resolutions proposing amendments to Constitution 896
AMERICAN DISTRICT TELEGRAPH COMPANY.
Appropriation for, chap. 549 791
AMERICAN EXCHANGE.
Name changed to Butter, Cheese and Egg Exchange 918
AMERICAN JERSEY CATTLE CLUB.
Incorporation of, chap. 136 246
AMERICAN LOAN COMPANY.
Name changed to American Loan and Deposit Company 914
AMERICAN PLUMBERS PUBLISHING COMPANY.
Name changed to Plumber and Sanitary Engineer 910
AMERICAN SPECTATOR PUBLISHING COMPANY, "LIMITED."
Name changed to Hour Publishing Company, Limited 917
AMERMAM, GERRARD MOORE.
Name changed to Gerrard Moore Lyon 914
ANIMALS.
Infectious and contagious diseases of, appropriations for carrying out the provisions of the act relating to, chap. 11 11
ANNOYANCE.
Act to prevent malicious, chap. 209 325
APPROPRIATIONS.
Adirondack survey, chap. 141, 258; chap. 549 794
Adjutant-General, chap. 549 796
Agent to examine auctioneer's accounts, chap. 549 792
Agriculture, chap. 141 255
Agricultural experiment station, chap. 592 883
Albany arsenal repairs, chap. 466 669
American District Telegraph Company, chap. 549 791
Appropriation bill, chap. 141 250
Asylum for insane convicts, chap. 141 256
Attorney-General, chap. 141, 251; chap. 549 793
Auburn prison, chap. 10 11
Auctioneer's accounts, chap. 141 253
Awards of canal appraisers, chap. 297, 379; chap. 471 675
Awards of State board of audit, chap. 526, 741; chap. 571 849
Banking department, chap. 141 253
Binghamton Asylum for the Chronic Insane, chap. 61, 165; chap. 141 259
Blatchford, Seward, Griswold & Da Costa, chap. 549 793
Blind, chap. 141 259
Board of audit, chap. 141 253
Bridge over Erie canal at Brockport, chap. 424 613
Bridge over Erie canal at Palmyra, chap. 462 664
Brockport Normal School, chap. 549 795
Buffalo Asylum for the Insane, chap. 549 797
Canal appropriation bill, chap. 548 789

APPROPRIATIONS — Continued.

Canals, reappropriation for payment of contractors for new work and extraordinary repairs, amended, chap. 352 519
Capitol, chap. 141 254
Cartage of documents, chap. 549 791
Cayuga inlet, chap. 549 796
Champlain canal and Glens Falls feeder, chap. 258 388
Chaplains of assembly, chap. 549 791
Church, Mrs. Ann, chap. 475 680
Clinton prison, chap. 549 797
College land scrip fund, appropriation from, chap. 141 261
Commissioners of emigration, chap. 549 796
Commissioners of quarantine, chap. 141, 253; chap. 549 796
Commissioners of State survey, chap. 549 794
Commissioners to examine jails, chap. 549 794
Comptroller, chap. 141, 251; chap. 549 792
Concurrent resolutions, for publication of, chap. 60 165
Cornell endowment fund, appropriation from, chap. 141 261
Cornell University, chap. 141 261
County treasurers, chap. 141 257
Court of Appeals, chap. 141, 250; chap. 549 792
Custodial Asylum, chap. 141 259
Deaf and dumb, chap. 141 258
Department of Public Instruction, chap. 141 252
Discharged convicts, chap. 141 256
Electors of president and vice-president, chap. 549 792
Elmira Female College, chap. 141 261
Elmira Female College, educational fund, appropriation from, chap. 141 261
Elmira Reformatory, chap. 549 797
Entomologist, chap. 549 795
Erection of fish-ways in State dams, chap. 252 380
Erie county, award of board of audit to, chap. 571 849
Executive chamber, chap. 549 792
Executive department, chap. 141 250
Executive mansion, chap. 549 791
Expenses of government and supplying deficiencies, chap. 272, Laws of 1879, amended, chap. 418 608
Extraordinary canal repairs, chap. 272 408
Free school fund, appropriation from, chap. 141 261
Fuel, chap. 141 255
General appropriation bill, chap. 141 250
Halley, Rev. Ebenezer, chap. 549 791
Homœopathic Asylum at Middletown, chap. 549 797
Hudson river, for the improvement of, chap. 51 154
Hudson River State Hospital, chap. 141, 259; chap. 549 797
Hynes, Hon. Joseph, chap. 549 791
Idiot Asylum, chap. 141 259
Indian affairs, chap. 141 256
Infectious and contagious diseases of animals, to carry out provisions of act relating to, chap. 11 11
Insurance department, chap. 141, 253; chap. 549 792
Judicial district libraries, chap. 400 576
Juvenile delinquents, chap. 141 259
Land office, chap. 141 253
Legislature, chap. 141 255
Liddle, Hon. Thomas, chap. 549 791
Literature fund, appropriation from, chap. 141 260
McAlpine, C. S., chap. 549 795
McIntyre, Robert F., chap. 571 849
Maher, Stephen, chap. 549 791
Military record fund, appropriation from, chap. 141 261
Miscellaneous, chap. 141 257
Monument commemorating Andre's capture, chap. 549 794

APPROPRIATIONS—Continued. PAGE.

Nash, Darwin, chap. 526 ... 741
Nash, Marion, chap. 526 ... 741
National Guard, chap. 141 ... 257
New Capitol, chap. 33 ... 139
New Capitol, chap. 138 ... 247
New Capitol, care of, chap. 549 ... 797
New Capitol, to continue work on, amended, chap. 289 ... 430
Officers and employees of legislature, remaining after adjournment, chap. 549 ... 791
Onondaga Salt Springs, chap. 141, 257; chap. 549 ... 796
Peck, Charles H., chap. 549 ... 795
Public offices, chap. 141 ... 254
Regents of the University, chap. 141 ... 254
Repayment of moneys, chap. 141 ... 257
Roads, chap. 141 ... 257
Saratoga battle monument, chap. 549 ... 794
Seamen's Retreat Hospital, chap. 549 ... 798
Secretary of State, chap. 141, 251; chap. 549 ... 793
Soldiers and Sailors' Home, chap. 141 ... 258
State Assessors, chap. 141 ... 253
State Asylum for Lunatics, chap. 141 ... 256
State Board of Charities, chap. 141, 259; chap. 549 ... 795
State Cabinet of Natural History and Agricultural Museum, chap. 141 ... 254
State Engineer and Surveyor, chap. 141, 252; chap. 549 ... 793
State Hall, chap. 141, 254; chap. 549 ... 792
State Homœopathic Asylum, chap. 141 ... 259
State library, chap. 141, 254; chap. 549 ... 795
State printing, chap. 141 ... 255
State prisons, chap. 141, 255; chap. 549 ... 797
State survey, chap. 549 ... 795
Stevens, Hon. James, chap. 549 ... 792
Strahan, Hon. Robert H., chap. 549 ... 792
Superintendent of insurance department, chap. 549 ... 792
Supply bill, chap. 549 ... 790
Supreme Court, chap. 141 ... 251
Supreme Court, second district, chap. 549 ... 792
Thomas' Asylum, chap. 141 ... 258
Thompson, Francis M., chap. 549 ... 798
Transportation, chap. 141 ... 257
Treasurer, chap. 141 ... 252
United States deposit fund, appropriation from, chap. 141, 260; chap. 549 ... 798
Wasson, John G., widow and heirs-at-law of, chap. 549 ... 792
Weights and measures, chap. 141 ... 253
Western House of Refuge, chap. 141 ... 259
Willard Asylum, chap. 141, 259; chap. 549 ... 797
Yager, Johanna, chap. 549 ... 795

ARMORIES.

Appropriations for, chap. 272, Laws of 1879, amended, chap. 418 ... 608

ASSESSMENTS.

Banks, State, placed on same footing as national, chap. 140 ... 249
Brooklyn, Bridge Street A. M. E. church, providing for payment of, chap. 383 ... 563
Brooklyn, relating to unpaid, chap. 572 ... 849
Long Island City, relating to, chap. 339 ... 503
New York city, local improvements, chap. 550 ... 798
New York city, act extending the time for making and completing, in, chap. 89 200
New York city, providing for payment of, for local improvements, chap. 195 ... 314
New York city, relating to, in towns annexed from Westchester county, chap. 327 475
Providing for review of unequal, illegal and erroneous, chap. 269 ... 402

ASSOCIATION FOR BEFRIENDING CHILDREN.

Name changed, etc., chap. 598 ... 891

ASYLUM FOR INSANE CONVICTS. PAGE.

Appropriation for, chap. 141. 256

ATTICA, VILLAGE OF.

Attica Water Company, act authorizing, to purchase and operate gas works, etc., chap. 35. 140
Charter amended, chap. 44, 147; chap. 294. 435
Proceedings of trustees of, relating to sale and purchase of real estate, confirmed, chap. 104. 215
Relating to cemetery, chap. 295. 436

ATTICA, TOWN OF.

Bonded indebtedness, relating to, chap. 146. 270

ATHENS, VILLAGE OF.

Relating to, chap. 372. 553

ATTORNEY-GENERAL.

Appropriation for salary of, chap. 141. 251
Appropriation for clerks and messenger, chap. 141. 251
Appropriation for costs of suits, etc., chap. 141, 251; chap. 549. 793
Appropriation for deputies, chap. 141. 251
Appropriation for expenses of, chap. 141. 251
Appropriation for furnishing books, etc., chap. 141. 251
Appropriations for stenographer in office of, chap. 141. 251
Duties of, when citizens hold claims against other States, chap. 298. 440

ATTICA AND ARCADE R. R. CO.

For the relief of, chap. 577. 866

ATTORNEYS.

Admission of, chap. 58. 162

AUB, LUDWIG.

Name changed to Ludwig Lilienthal. 907

AUBURN, CITY OF.

First Baptist Church, may convey certain real estate, chap. 378. 560
Lands for cemetery purposes, authorized to take, in the town of Sennett, chap. 57, 160
Pine Ridge Cemetery Association of Sennett, authorized to convey lands to, for a public cemetery, chap. 53. 156
St. Joseph's Cemetery, incorporation of, chap. 411. 601
Taxes, act extending time for the collection of, chap. 39. 142

AUCTIONEERS.

Sales by, Revised Statutes amended, chap. 386. 565

AUCTIONEERS' ACCOUNTS.

Appropriation for agent to examine, chap. 141. 253

AUSABLE, TOWN OF.

Keeseville union free school district No. 1, may borrow money, chap. 279. 416

AVERILL CHEMICAL PAINT COMPANY.

Name changed to Averill Paint Company. 916

BALDWINSVILLE.

General act for incorporation of villages, so far as relates to, amended, chap. 18. 96

BALLOTS.

To secure uniform, chap. 366. 547

BANKS AND BANKING ASSOCIATIONS.

Act to place State and National banks on same footing with regard to taxation of stock, chap. 140. 249
Authorizing business of banking, amended, chap. 567. 823
Farmers' Loan and Trust Company, relating to, chap. 277. 415
Laws with regard to, providing for the compilation and revision of, chap. 170. 293

BANKS AND BANKING ASSOCIATIONS — Continued. PAGE.
Manhattan Savings Institution, for the relief of, chap. 59 ... 163
Relating to deposits with bank department, chap. 202 ... 321
Savings banks, act conforming charters, etc., amended, chap. 184 ... 245
Savings banks, in relation to, chap. 287 ... 428
Taxation of, chap. 596 ... 888

BATH, VILLAGE OF.
Charter amended, chap. 358 ... 526

BELLEVUE HOSPITAL.
Act for the reception of persons not residents of New York city, chap. 181 ... 300

BENEVOLENT, CHARITABLE, SCIENTIFIC AND MISSIONARY SOCIETIES.
(See, also, CORPORATIONS.)
Board of Home Missions of the Presbyterian church in the United States of America, incorporation of, amended, chap. 227 ... 347
Buffalo Society of Natural Sciences, relating to, chap. 483 ... 692
Chapin Home, charter amended, chap. 489 ... 699
Corning library, for the relief, repealed, chap. 180 ... 299
Domestic and Foreign Missionary Society of the Protestant Episcopal church of the United States of America, incorporation of, amended, chap. 226 ... 346
James Pendergrast Library Association of Jamestown, act incorporating, chap. 3, 3
Society for the relief of half-orphan and destitute children, charter amended, chap. 502 ... 713
Universalists' Missionary Board, organizing, chap. 356 ... 522

BENEVOLENT INSTITUTIONS.
Providing for reporting of commitments, except Kings county, chap. 347 ... 515

BERLIN, TOWN OF.
Transferred to second school commissioner district, chap. 211 ... 327

BIANCHE, VARILLE.
Name changed to Joseph Smith ... 908

BIEGEN, PETER M.
Release of lands to, chap. 296 ... 437

BINGHAMTON ASYLUM FOR THE CHRONIC INSANE.
Appropriation for, and providing for two additional trustees, chap. 61 ... 165
Appropriation for salaries of officers, chap. 141 ... 259

BINGHAMTON, CITY OF.
Charter amended, chap. 477, 681; chap. 492 ... 702
May use part of Chenango canal as a public street, chap. 190 ... 305

BIRDS.
Game laws, amended, chap. 531, 547; chap. 584 ... 875

BLATCHFORD, SEWARD, GRISWOLD AND DA COSTA.
Appropriation for, chap. 549 ... 793

BLOSSBURG COAL COMPANY.
May hold real estate for the purposes of business, act amended, chap. 203 ... 321

BOARD OF AUDIT.
Appropriation for payment of awards by, chap. 526, 741; chap. 571 ... 849
Incidental expenses, appropriation for, chap. 141 ... 253
Monroe county, authorized to settle differences existing between the State and, chap. 83 ... 196
Stenographer, appropriation for, chap. 141 ... 253

BOARD OF CHARITIES AND CORRECTIONS.
Kings county, creating, chap. 284 ... 420

BOARD OF HEALTH.
Creating a State, chap. 322 ... 465

BOARD OF HOME MISSIONS OF THE PRESBYTERIAN CHURCH.
Incorporation of, amended, chap. 227 ... 347

BOARD OF PILOT COMMISSIONERS. PAGE.
Appropriation for expenses of, chap. 141 ... 258

BOARDS OF EDUCATION.
Act to establish, in village school district, Malone, Franklin county, amended, chap. 107 ... 318
Albany city, act creating a board of public instruction, amended, chap. 120 ... 231
Deerpark, union free school district No. 1, additional powers conferred, chap. 524 ... 739
Johnstown, district No. 4, additional powers conferred, chap. 524 ... 739
School commissioners of Troy, act relating to, amended, chap. 32 ... 137
Women eligible to serve as school trustees, act declaring, chap. 9 ... 10

BOARDS OF TOWN AUDITORS.
Creating, in Newtown, Queens county, chap. 236 ... 360
Fulton county, exempted from act creating, chap. 314 ... 254
Guilford and Greene, towns of, exempted from provisions of act creating, chap. 107 ... 217
Oswego county, exempted from act creating, except certain towns, chap. 24 ... 112
Scipio, Cayuga county, act subjecting to provisions of act creating, chap. 75 ... 180

BONDED INDEBTEDNESS.
Albany city may borrow money for improvement of South Pearl street, chap. 290. 430
Attica, Wyoming county, relative to, chap. 146 ... 270
Buffalo, city of, may issue water bonds, chap. 350 ... 518
Cities, relative to, chap. 12, 12; chap. 204 ... 324
College Point, village of, may issue bonds for school purposes, amended, chap. 413. 604
Counties, relative to, chap. 12, 12; chap. 204 ... 324
Danforth, village of, may issue bonds, chap. 357 ... 525
Flushing, Queens county, may borrow money and issue bonds to pay certain debts, chap. 103 ... 214
Greene county, providing for payment of bounty debt, chap. 218 ... 335
Java, Wyoming county, relative to, chap. 146 ... 270
Keeseville union free school district No. 1 may borrow money, chap. 279 ... 416
Kingston, city of, relating to, chap. 504 ... 712
Long Island City may issue bonds, chap. 274 ... 410
Lowville, Lewis county, relative to railroad bonds of, chap. 125, 234; chap. 188... 304
Madrid, St. Lawrence county, may borrow money for water-works, chap. 123 ... 238
New Rochelle, Westchester county, may issue bonds, chap. 40 ... 143
New Lots, Kings county, school district No. 8, may issue bonds, chap. 280 ... 417
Newtown, Queens county, may fund a portion of bonded indebtedness, chap. 165.. 287
New York city may issue certain bonds exempt from taxation, chap. 552 ... 806
Ogdensburgh and Lake Champlain Railroad Company, may issue bonds and mortgages to retire preferred stock, chap. 73 ... 177
Onondaga county, supervisors may borrow money on bonds, chap. 194 ... 313
Orleans, Jefferson county, relating to, chap. 509 ... 717
Somerset, town of, in relation to, chap. 286 ... 426
Towns, relative to, chap. 12, 12; chap. 204 ... 314
Ulster county, supervisors may issue bonds to pay bonds falling due, chap. 2 ... 2
Utica, city of, may borrow money, chap. 206 ... 323
Villages, relative to, chap. 12, 12; chap. 204 ... 314
Watertown, Jefferson county, may borrow money for water-works, chap. 148 ... 273
Westchester, Westchester county, relative to refunding of, chap. 131 ... 240
Westport, Essex county, relating to, chap. 346 ... 514
Yonkers, Westchester county, may issue bonds for certain purposes, chap. 59 ... 163

BONDS.
Providing for the registration of certain, in the city of New York, chap. 199 ... 319

BOUNDARY LINES.
New York and Connecticut, agreement of commissioners confirmed, chap. 213 ... 329
New York and Pennsylvania and New Jersey, for the settlement of, chap. 340 ... 503

BOONVILLE, TOWN OF.
Acts of commissioners of highways legalized, chap. 315 ... 455

BRADLEY, MARY S. PAGE.
Lands of which Richard Byrd and Joseph Byrd died seized, released to, chap. 111 224

BRIBERY.
Seneca Indians, to prevent bribery of officers of, chap. 184 301

BRIDGES.
Bridging for transportation purposes in cities and villages, chap. 582 873
Bronx river, providing for the construction of a bridge over, chap. 163 285
Revised Statutes amended, chap. 308, 449; chap. 503 713
Swing bridges across Hudson river, relating to lights on, chap. 541 763

BRIDGE STREET AFRICAN METHODIST EPISCOPAL CHURCH OF BROOKLYN.
Providing for payment of assessments, chap. 383 563

BROADALBIN, TOWN OF.
Acts of commissioners of excise legalized, chap. 446 650

BROCKPORT.
Bridge over Erie canal at, chap. 424 612

BROCKPORT NORMAL AND TRAINING SCHOOL.
Local board of, establishing a quorum, chap. 171 293
Repairs, etc., appropriation for, chap. 549 795
(Appropriation for, see STATE NORMAL AND TRAINING SCHOOL.)

BRONX RIVER.
Providing for the construction of a bridge over, chap. 163 285

BROOKLYN.
Board of estimate created, chap. 532 751
Bridge Street A. M. E. Church, payment of assessments, chap. 383 563
Buchenberger, F. J., title of, to lands confirmed, chap. 312 453
Charter of city amended, chap. 319, 463; chap. 564 818
Charter of city amended, "board of health," chap. 545 775
Elections, appointment of board of, chap. 528 742
Fourth avenue, in relation to, chap. 323 468
Furman street, in relation to, chap. 555 809
Government of, relating to, chap. 377 557
Grand street, relating to pavement of, chap. 257 387
Harbor masters, powers of, conferred on police patrolmen detailed to certain docks and piers, chap. 151 279
Justices of the peace and local inferior courts, in relation to, chap. 256 384
New York and Brooklyn bridge, providing for the completion of, etc., chap. 105 .. 216
Prospect avenue, payment of damages caused by change of grade, chap. 364 546
Public parks and Bedford avenue, maintenance of, chap. 560 813
Releasing lands formerly under East river, chap. 578 727
Taxes of, State and county, act providing for the payment of, to Kings county treasurer, chap. 26 113
Tenements and lodging houses, regulation of, amended, chap. 399 575
Unpaid taxes and assesments, relating to, chap. 572 849

BROOKLYN ELEVATED RAILWAY COMPANY.
Restricting right to lay rails, etc., chap. 459 662

BROOME COUNTY.
Binghamton, city of, charter amended, chap. 477, 681; chap. 492 702
Binghamton, city of, may use portion of Chenango canal as a public street, chap. 190. 305

BRUNSWICK, TOWN OF.
Transferred to first school commissioner district, chap. 211 327

BUCHENBERGER, FREDERICK J.
Title to lands in Brooklyn, confirmed, chap. 312 453

BUFFALO, CITY OF. PAGE.
Act for the better security of mechanics and laborers in the city of, chap. 143 264
Bridge over Erie canal in the city of, act authorizing the completion of, chap. 97.. 210
Cemeteries in, act regulating the location of, chap. 82 195
Cemetery association may acquire lands, chap. 264 394
Charter amended, chap. 271 404
Collection of unpaid taxes, providing for, chap. 275 411
Jury lists, relating to, chap. 445 650
May issue water bonds, chap. 350 518
Municipal court established and charter amended, chap. 344 506
Police department established, chap. 436 622
Public buildings and grounds of, and Erie county, act relating to, chap. 31 135
Temple Beth Zion, incorporation of, chap. 293 434

BUFFALO ASYLUM FOR THE INSANE.
Appropriation for, chap. 549 797

BUFFALO CITY CEMETERY ASSOCIATION.
May acquire additional lands, chap. 264 394

BUFFALO PLANK ROAD.
Powers and duties of commissioners of, defined, chap. 219 336

BUFFALO SOCIETY OF NATURAL SCIENCES.
Relating to, chap. 488 692

BUILDING ASSOCIATIONS.
May mortgage their property and franchises, chap. 182 300

BUREAU OF MILITARY STATISTICS.
Appropriation for, chap. 141 261

BUSINESS CORPORATIONS.
List of 921

BUSINESS NAME.
Allowing continued use of, chap. 561 813

BUTTER.
Preventing deception in sales of, amended, chap. 439 639

BYRD, RICHARD AND JOSEPH.
Lands of which, died seized, released to Mary S. Bradley, chap. 111 224

CAMBRIDGE, VILLAGE OF.
Charter amended, chap. 402 580

CANAL APPRAISERS.
Act allowing amendment of claims, chap. 161 284
Appropriation for payment of awards by, chap. 297 439
Appropriation for payment of award to Joseph Miser, Jr., chap. 470 675
Jurisdiction conferred to determine amount of damages to which Port Byron school district is entitled, chap. 173 295

CANALS.
Annual appropriation bill, chap. 548 789
Appropriation for Champlain canal and Glen's Falls feeder, chap. 258 388
Appropriation for extraordinary repairs, chap. 272 408
Appropriation for payment of appraisers' awards, chap. 297 439
Appropriation for payment of award to Joseph Miser, Jr., chap. 470 675
Appropriation for payment of interest on debt, chap. 251 379
Binghamton, city of, may use portion of Chenango canal as a public street, chap. 190 305
Bridge over Erie canal at Brockport, chap. 424 612
Bridge over Erie canal at Palmyra, providing for, chap. 462 664
Bridge over Erie canal in Buffalo, act providing for completion of, chap. 97 210
Canal commissioners, Revised Statutes in relation to, amended, chap. 99 211

CANALS — Continued. PAGE.
Chenango canal, sale of portion, chap. 551 ... 803
Cities and incorporated villages may charge license fees to persons doing business on, chap. 302, 444 ; chap. 434 ... 620
Genesee Valley canal, relating to banks and prism of, and for the sale of, chap. 326 472
Prevention of certain abuses, amended, chap. 278 ... 416
Reappropriation for contractors for new work and extraordinary repairs, chap. 352, 519
Rochester, superintendent of public works shall keep Genesee river feeder in a healthy condition, chap. 359 ... 537
Superintendent of public works, defining powers and duties of, chap. 493 ... 703
Toll sheet for 1880 ... 900

CANANDAIGUA, VILLAGE OF.
Extending powers of trustees, amended, chap. 220 ... 337
Relating to police justice and constables, amended, chap. 525 ... 740

CAPITOL.
Appropriation for care, etc., of, chap. 141 ... 254
Appropriation for repairs, etc., chap. 141 ... 254
Appropriation for salary of superintendent, chap. 144 ... 254

CARRION.
Preventing deposit of, etc., in New York bay, etc., amended, chap. 463 ... 664

CATSKILL, TOWN OF.
Taxes, extending time for collection of, chap. 119 ... 230

CATTARAUGUS COUNTY.
Olean, village of, charter amended, chap. 307 ... 449

CAYUGA COUNTY.
Auburn, act authorizing Pine Ridge Cemetery Association of Sennett to convey lands to, for a public cemetery, chap. 53 ... 156
Auburn, act authorizing, to take lands in Sennett for cemetery purposes, chap. 57 160
Auburn, act extending time for the collection of taxes in, chap. 39 ... 142
Auburn, city of, charter amended, chap. 232 ... 352
Auburn, First Baptist Church may convey certain real estate, chap. 378 ... 502
Auburn, St. Joseph's Cemetery, incorporation of, chap. 411 ... 601
Moravia, village of, charter amended, chap. 338 ... 502
Port Byron school district, town of Mentz, damages sustained by, referred to canal appraisers, chap. 173 ... 295
Scipio, act subjecting town of, to provisions of act creating a board of town auditors, chap. 75 ... 180
Towns and cities may sell stock of Southern Central railroad, chap. 281 ... 418
Towns, cities and villages of, act authorizing the sale of capital stock of railroad companies by, chap. 21 ... 110

CAYUGA INDIANS.
Appropriation for annuities to, chap. 141 ... 256

CAYUGA INLET.
Dredging of, etc., chap. 549 ... 796

CEMETERIES.
Attica, in relation to, chap. 295 ... 436
Auburn, acts in relation to land for cemetery purposes, chap. 53, 156 ; chap. 57. . 160
Buffalo, act regulating the location of future burial grounds in, chap. 82 ... 195
Buffalo City Cemetery Association may acquire additional lands, chap. 264 ... 394
Gypsum Cemetery Association of Ontario county, revival of, chap. 381 ... 562
Hamburg Cemetery Association, name changed, etc., chap. 454 ... 657
Herkimer, relating to, in the village of, chap. 485 ... 694
Long Lake, Hamilton county, establishing in, chap. 325 ... 471
Rural Cemetery Associations, act to incorporate, amended, chap. 566 ... 821
St. Joseph's Cemetery, in the city of Auburn, incorporation of, chap. 411 ... 601
Skaneateles, act to perfect the title to lands in the trustees of the village of, for cemetery purposes, chap. 52 ... 155

CENTENNIAL INSURANCE COMPANY PAGE.
Time for organization, extended, chap. 396 572
CENTRAL NEW YORK INSTITUTION FOR THE IMPROVED INSTRUCTION OF DEAF MUTES AT ROME.
Appropriation for, chap. 141 258
Relating to, chap. 355 522
CHAMPLAIN CANAL.
Appropriation for, chap. 258 388
CHAPIN HOME FOR THE AGED AND INFIRM IN THE CITY OF NEW YORK.
Incorporation of, amended, chap. 489 699
CHATEAUGAY WATER-WORKS COMPANY.
Incorporation of, amended, chap. 321 465
CHAUTAUQUA COUNTY.
Dunkirk, charter of, amended, chap. 19 100
James Pendergrast Library Association of Jamestown, act incorporating, chap. 3 3
Pomfret, act in relation to school district number nine, in, amended, chap. 17 95
CHEMUNG COUNTY.
Court of oyer and terminer in, act appointing and directing the holding of, chap. 121 231
Elmira, city of, providing for a public park, chap. 499 708
Horseheads, village of, charter amended, chap. 379 561
CHENANGO COUNTY.
Greene, act in relation to bequest of Levi Farr to school district number four, amended, chap. 88 199
Greene, village of, sale of real estate used by fire department, chap. 345 514
Guilford and Greene, towns of, exempted from act creating boards of town auditors, chap. 107 217
Towns, cities and villages of, act authorizing the sale of capital stock of railroad companies by, chap. 21 110
CHENANGO CANAL.
Sale of portion, authorized, chap. 551 803
CHESTERFIELD, TOWN OF.
Keeseville union free school district number one may borrow money, chap. 279 416
CHILDREN.
Prevention of accidents to, chap. 585 876
CHURCH, MRS. ANN.
Appropriation for, chap. 475 680
CITIES.
(See, also, the various cities.)
Bonded indebtedness of, act in relation to, amended, chap. 12, 12; chap. 204 324
Certain cities may sell stock of Southern Central railroad, chap. 281 418
May charge license fees to persons doing business on canals, chap. 302, 444; chap. 434, 620
Mechanics and laborers, to secure payment of, chap. 486 695
Policemen of district telegraph companies, act authorizing the appointment of, in, chap. 90 200
Processions and parades in, act regulating, amended, chap. 42 145
Tunneling and bridging for transportation purposes, chap. 582 872
CITIZENS.
Act to ascertain the number entitled to right of suffrage in counties of over 300,000 population, chap. 141 261
Amending act to ascertain citizens entitled to right of suffrage in the State, chap. 465, 668; chap. 508 716
Protecting rights of, who hold claims against other States, chap. 298 440
Relating to registry in cities of over 16,000 population, chap. 576 861

CLAIMS. PAGE.
Canal appraisers enabled to allow, amendment of, chap. 161 384
Protecting rights of citizens holding claims against other States, chap. 298..... 440

CLAMS.
Regulating taking of, on south side of Staten Island, chap. 453..... 654

CLERKS.
For the relief of, of district courts of New York in 1876, chap. 117..... 228

CLINTON COUNTY.
Keeseville union free school district number one may borrow money, chap. 279.... 416

CLINTON PRISON.
Agent and warden may make certain contracts, chap. 374..... 554
Appropriation for, chap. 549..... 797

CODE OF CIVIL PROCEDURE.
Acts amendatory, chap. 54, 156; chap. 67, 172; chap. 108, 218; chap. 149, 274; chap. 301, 443; chap. 369, 550; chap. 529, 746; chap. 535, 755; chap. 536.. 755
Acts supplemental — nine chapters' bill — chap. 178.
(See vol. 2, Laws of 1880.)
Act supplemental to chap. 178, chap. 522..... 784

COHOES, CITY OF.
Charter amended, chap. 330, 492; chap. 456..... 657
Repealing acts amending water act, chap. 331..... 493

COLD SPRING HARBOR.
Land at, ceded to the United States, chap. 29 116

COLLEGE LAND SCRIP FUND.
Appropriation for the Cornell University, chap. 144... 261

COLLEGE POINT, VILLAGE OF.
Trustees may issue bonds for school purposes, amended, chap. 413..... 604

COLUMBIA COUNTY.
Kinderhook, town of, authorizing commissioner of highways to protect a certain highway from encroachments of Kinderhook creek, chap.158 283
Kinderhook, village of, charter amended, chap. 490..... 699

COMBUSTIBLE MATERIALS.
Storage of, in New York city, amended, chap. 169 292

COMMISSIONERS OF DEEDS.
Act authorizing appointment of, to take proof, etc., in other States and territories, amended, chap. 115..... 227
New York city, providing for additional, chap. 544..... 774

COMMISSIONERS OF EMIGRATION.
Appropriation for, chap. 549..... 796

COMMISSIONERS OF EXCISE.
Broadalbin, Fulton county, acts legalized, chap. 446..... 680
Tully, Onondaga county, acts legalized, chap. 309..... 451

COMMISSIONERS OF HIGHWAYS.
Boonville, Oneida county, acts legalized, chap. 315 455

COMMISSIONERS OF QUARANTINE.
Appropriation for salaries, chap. 141, 253; chap. 549..... 796

COMMISSIONERS OF STATE SURVEY.
Appropriation for, chap. 549..... 794

COMMITMENTS.
Reporting of, to benevolent institutions, except in Kings county, chap. 347..... 515

COMPTROLLER. PAGE.
Act authorizing, to borrow money in anticipation of the State tax for the expense of the government, chap. 100 ... 212
Act authorizing, to dispose of United States securities, and to reinvest the proceeds, chap. 28 ... 112
Act authorizing, to admit unpaid taxes of 1879 upon lands sold at tax sale in 1877, chap. 179 ... 299
Appropriation for clerks, chap. 141 ... 251
Appropriation for deputy, chap. 141 ... 251
Appropriation for furniture and books, chap. 141 ... 251
Appropriation for messenger, chap. 141 ... 251
Appropriation for salary of comptroller, chap. 141 ... 251
Appropriation for tax sales, etc., chap. 549 ... 792
May settle claims against New York and Erie Bank of Buffalo, chap. 497 ... 707

CONCURRENT RESOLUTIONS.
Publication of, in 1879, act making an appropriation for, and for their publication hereafter, chap. 60 ... 165
Proposing amendments to the constitution ... 896
Toll sheet, canal, for 1880 ... 900

CONNECTICUT.
Agreement of commissioners confirmed establishing boundary line between New York and, chap. 213 ... 329

CONSTITUTIONAL AMENDMENTS.
Concurrent resolutions proposing ... 896
Submission of, to the electors, chap. 491 ... 701

CONTRACTS.
Actions for relief, when contracts, etc., are recorded, chap. 580 ... 747

CONVICTS.
Testimony of, Revised Statutes amended, chap. 416 ... 606

COOPERSTOWN, VILLAGE OF.
Charter amended, chap. 79 ... 191
Incorporating aqueduct association, chap. 516 ... 726

CORNELL ENDOWMENT FUND.
Appropriation from, to Cornell University, chap. 141 ... 261
Custody of, transferred to Cornell University, chap. 317 ... 455

CORNELL UNIVERSITY.
Appropriation from college land scrip fund, chap. 141 ... 261
Appropriation from Cornell endowment fund, chap. 141 ... 261
Custody of Cornell endowment fund transferred to, chap. 317 ... 455

CORNING LIBRARY.
Act repealing act for relief of, chap. 180 ... 299

CORNING, VILLAGE OF.
General village act so far as relates to, amended, chap. 507 ... 716

CORONA.
Union Evangelical Church of, act to confirm incorporation of, chap. 1 ... 1

CORPORATIONS.
(See, also, BENEVOLENT, CHARITABLE, SCIENTIFIC AND MISSIONARY SOCIETIES; BANKS AND BANKING ASSOCIATIONS; CEMETERIES; CITIES; INSURANCE COMPANIES; RAILROADS; RELIGIOUS SOCIETIES; TOWNS; AND VILLAGES.)
Alanson M. E. Church, of N. Y. city, may transfer certain real estate, chap. 216 ... 332
Alert Hose Company of Medina, incorporation of, chap. 409 ... 599
American Jersey Cattle Club, incorporation of, chap. 186 ... 246
Attica and Arcade R. R. Co., for the relief of, chap. 577 ... 866

CORPORATIONS — Continued. PAGE.

Attica Water Company, act authorizing to purchase and operate gas works, etc., in village of Attica, chap. 35 140
Blossburg Coal Company of Pennsylvania may hold real estate, amended, chap. 203 321
Board of Home Missions of the Presbyterian Church, incorporation of, amended, chap. 227 347
Board of trustees of the fire department of the city of Troy, incorporation of, chap. 193 319
Brooklyn Elevated Railway Co., right to lay tracks restricted, chap. 459 663
Buildings, corporations formed for erection of, may mortgage property and franchises, chap. 182 300
Buffalo City Cemetery Association may acquire additional land, chap. 264 394
Buffalo Society of Natural Sciences, relating to, chap. 482 699
Business corporations, act relating to, chap. 187 303
Business corporations, list of, formed in 1879 921
Cathedral Chapter and Corporators of the Diocese of Western New York, incorporation of, chap. 371 552
Cemetery associations, rural, incorporation of, amended, chap. 566 821
Centennial Insurance Company, time for organization extended, chap. 396 572
Certain corporations exempted from provisions of Revised Statutes, chap. 254 381
Chapin Home, charter amended, chap. 489 699
Corporations engaged in car building may lay down railroad tracks, chap. 267 394
Crescent Company, charter amended, chap. 473 676
Domestic and Foreign Missionary Society of the P. E. Church, incorporation of, amended, chap. 226 346
Exhibitions, corporations created by the U. S. invested with additional powers in acquiring lands, etc., chap. 474 678
Farmers' Loan and Trust Company, charter amended, chap. 277 415
Fire-Proof Warehousing Company, charter amended, chap. 425 613
Fonda, Johnstown and Gloversville Railroad Co. may purchase the Gloversville and Northville railroad, chap. 124 233
Forsyth Street M. E. Church, act enabling the, to transfer its real estate to trustees, chap. 84 196
General law for incorporation of, amended, chap. 85, 197; chap. 241 363
Germania Fire Insurance Company, time of election changed, chap. 152 280
German Masonic Temple Association, incorporation of, chap. 192 309
Grand Council Royal Templars of Temperance, incorporation of, chap. 406 596
Grand Lodge Knights of Pythias, incorporation of, chap. 376 556
Gypsum Cemetery Association of Ontario county, revival of, chap. 381 563
Hamburg Cemetery Association, name changed and acts legalized, chap. 454 657
Hudson Suspension Bridge and New England Railway Company, charter amended, chap. 420 609
Insolvent, relating to receivers of, chap. 537 756
Insurance companies, county and town co-operative, providing for formation of, amended, chap. 397 572
Insurance companies, county co-operative, providing for formation of, chap. 362 540
Insurance companies, fire and fire and inland, regulating examinations and reports of, chap. 110 222
Insurance companies, foreign fire or marine, admission further regulated, chap. 428 615
Insurance companies, life and health, for the incorporation of, amended, chap. 427 615
Insurance companies, life, relating to special deposits with insurance superintendent, chap. 168 290
Insurance companies, regulating the depositing of securities with the superintendent of the insurance department, chap. 22 111
James Pendergast Library Association of Jamestown, act incorporating, chap. 3 3
Knickerbocker Casualty Insurance Company authorized to change its name to the Fidelity and Casualty Company of New York, chap. 87 199
Maenner Gesang Verein Eichenkranz, incorporation of, chap. 253 380
Marine insurance companies may amend their charters, chap. 222 340
Montezuma Turnpike and Bridge Company, charter amended, chap. 458 661

CORPORATIONS — Continued. PAGE.

National Tent of the National Order of Rechabites, incorporation of, chap. 464.. 667
New York Central and Hudson River railroad, for the relief of, and the city of Rochester, chap. 147 271
New York Cotton Exchange, incorporation of, amended, chap. 228 348
New York, Kingston and Syracuse railroad, repealing section 3 of act for extension of, chap. 384 564
New York Northern Railroad Company, charter amended, chap. 391 569
New York Produce Exchange, to facilitate the erection of a new building by, chap. 159 283
Niagara Grand Island Bridge Co., charter amended, chap. 469 674
Overlook Turnpike Company, rate of toll fixed, chap. 246 376
Penn Yan and New York railroad, time for completion of, extended, chap. 185.. 302
Pine Ridge Cemetery Association of Sennett, act authorizing, to transfer certain lands to the city of Auburn for a public cemetery, chap. 53 156
Plank-road and turnpike companies, relating to, chap. 484 693
Porus Plaster Company of the city of New York, act incorporating, amended chap. 43 146
Poughkeepsie and New Paltz Ferry Company, charter amended, chap. 390 568
Poughkeepsie Bridge Company, act incorporating, amended, chap. 50 154
Protection of steam heating companies, chap. 263 392
Purchasers of franchises and property sold by mortgage sale, act relating to, amended, chap. 113 225
Queens County Agricultural Society, in relation to, chap. 247 377
Railroad companies, act authorizing the issuance of certificates of stock after foreclosure and sale, chap. 5 7
Railroad companies, act authorizing certain towns, cities and villages to sell capital stock of, chap. 21 110
Railroad companies, amending act authorizing formation of, chap. 133, 242; chap. 575, 853; chap. 583 874
Railroad companies, regulating voting by stock and bond-holders, chap. 510 720
Railroads, act authorizing the consolidation of certain, amended, chap. 94 208
Railroads, leasing of, chap. 349 518
Railroads, steam, providing for construction of, in counties of the State, amended, chap. 417 607
Railroads, street, relating to, chap. 415 606
Railroads, reorganization of, to facilitate, chap. 155 281
Religious societies, acts to provide for the incorporation of, amended, chap. 55 ... 157
Rochester and Lake Ontario Railway Company, route confirmed, chap. 311 453
Rondout and Oswego Railroad, providing for the extension of, repealed, chap. 382, 563
Savings banks, in relation to, chap. 287 428
Society for the relief of half-orphan and destitute children in New York city, incorporation of, chap. 502 713
Societies or clubs for certain lawful purposes, act authorizing the formation of, amended, chap. 98 210
Stock, preferred, may be exchanged for common, chap. 225 346
Supreme council, Royal Templars of Temperance, incorporation of, chap. 586 876
Taxation of, providing for, chap. 542 763
Taxation of life insurance companies, chap. 534 754
Temple Beth Zion of Buffalo, incorporation of, chap. 293 434
Troy Young Men's Association, incorporation of, amended, chap. 217 332
Trustees of Church Erection Fund of Presbyterian Church, incorporation of, chap. 288 429
Union Evangelical church of Corona, act to confirm the incorporation of, ch. 1... 1
Union Plank Road Company, for the relief of, chap. 511 721
United States Loan and Security Company, incorporation of, amended, chap. 189.. 305
Walton Water Company, incorporation of validated and acts legalized, chap. 343, 506
Waterville Opera House Company, limited, powers enlarged, chap. 470 675

NAMES CHANGED BY THE COURT.

American Exchange, to Butter, Cheese and Egg Exchange.. 918
American Loan Company, to American Loan and Deposit Company 914

CORPORATIONS — Continued. PAGE.

Attica Water Company, act authorizing to purchase and operate gas works, etc., in village of Attica, chap. 35 140
Blossburg Coal Company of Pennsylvania may hold real estate, amended, chap. 203 331
Board of Home Missions of the Presbyterian Church, incorporation of, amended, chap. 227 347
Board of trustees of the fire department of the city of Troy, incorporation of, chap. 193 213
Brooklyn Elevated Railway Co., right to lay tracks restricted, chap. 459 663
Buildings, corporations formed for erection of, may mortgage property and franchises, chap. 182 300
Buffalo City Cemetery Association may acquire additional land, chap. 264 394
Buffalo Society of Natural Sciences, relating to, chap. 482 693
Business corporations, act relating to, chap. 187 303
Business corporations, list of, formed in 1879 921
Cathedral Chapter and Corporators of the Diocese of Western New York, incorporation of, chap. 371 553
Cemetery associations, rural, incorporation of, amended, chap. 566 821
Centennial Insurance Company, time for organization extended, chap. 396 572
Certain corporations exempted from provisions of Revised Statutes, chap. 254 361
Chapin Home, charter amended, chap. 489 699
Corporations engaged in car building may lay down railroad tracks, chap. 267 396
Crescent Company, charter amended, chap. 473 676
Domestic and Foreign Missionary Society of the P. E. Church, incorporation of, amended, chap. 226 346
Exhibitions, corporations created by the U. S. invested with additional powers in acquiring lands, etc., chap. 474 678
Farmers' Loan and Trust Company, charter amended, chap. 277 415
Fire-Proof Warehousing Company, charter amended, chap. 425 613
Fonda, Johnstown and Gloversville Railroad Co. may purchase the Gloversville and Northville railroad, chap. 124 233
Forsyth Street M. E. Church, act enabling the, to transfer its real estate to trustees, chap. 84 196
General law for incorporation of, amended, chap. 85, 197; chap. 241 363
Germania Fire Insurance Company, time of election changed, chap. 152 280
German Masonic Temple Association, incorporation of, chap. 192 309
Grand Council Royal Templars of Temperance, incorporation of, chap. 406 596
Grand Lodge Knights of Pythias, incorporation of, chap. 376 556
Gypsum Cemetery Association of Ontario county, revival of, chap. 381 562
Hamburg Cemetery Association, name changed and acts legalized, chap. 454 657
Hudson Suspension Bridge and New England Railway Company, charter amended, chap. 420 609
Insolvent, relating to receivers of, chap. 537 756
Insurance companies, county and town co-operative, providing for formation of, amended, chap. 397 572
Insurance companies, county co-operative, providing for formation of, chap. 362 540
Insurance companies, fire and fire and inland, regulating examinations and reports of, chap. 110 222
Insurance companies, foreign fire or marine, admission further regulated, chap. 428 615
Insurance companies, life and health, for the incorporation of, amended, chap. 427 615
Insurance companies, life, relating to special deposits with insurance superintendent, chap. 168 290
Insurance companies, regulating the depositing of securities with the superintendent of the insurance department, chap. 22 111
James Pendergast Library Association of Jamestown, act incorporating, chap. 8 8
Knickerbocker Casualty Insurance Company authorized to change its name to the Fidelity and Casualty Company of New York, chap. 87 199
Maenner Gesang Verein Eichenkranz, incorporation of, chap. 253 390
Marine insurance companies may amend their charters, chap. 229 340
Montezuma Turnpike and Bridge Company, charter amended, chap. 458 661

CORPORATIONS — Continued. PAGE.

National Tent of the National Order of Rechabites, incorporation of, chap. 464.. 667
New York Central and Hudson River railroad, for the relief of, and the city of Rochester, chap. 147 ... 271
New York Cotton Exchange, incorporation of, amended, chap. 228 ... 348
New York, Kingston and Syracuse railroad, repealing section 3 of act for extension of, chap. 384 ... 564
New York Northern Railroad Company, charter amended, chap. 391 ... 569
New York Produce Exchange, to facilitate the erection of a new building by, chap. 159 ... 283
Niagara Grand Island Bridge Co., charter amended, chap. 469 ... 674
Overlook Turnpike Company, rate of toll fixed, chap. 246 ... 376
Penn Yan and New York railroad, time for completion of, extended, chap. 185... 302
Pine Ridge Cemetery Association of Sennett, act authorizing, to transfer certain lands to the city of Auburn for a public cemetery, chap. 53 ... 156
Plank-road and turnpike companies, relating to, chap. 484 ... 693
Porus Plaster Company of the city of New York, act incorporating, amended chap. 43 ... 146
Poughkeepsie and New Paltz Ferry Company, charter amended, chap. 390 ... 568
Poughkeepsie Bridge Company, act incorporating, amended, chap. 50 ... 154
Protection of steam heating companies, chap. 263 ... 392
Purchasers of franchises and property sold by mortgage sale, act relating to, amended, chap. 113 ... 225
Queens County Agricultural Society, in relation to, chap. 247 ... 377
Railroad companies, act authorizing the issuance of certificates of stock after foreclosure and sale, chap. 5 ... 7
Railroad companies, act authorizing certain towns, cities and villages to sell capital stock of, chap. 21 ... 110
Railroad companies, amending act authorizing formation of, chap. 133, 242; chap. 575, 853; chap. 583 ... 874
Railroad companies, regulating voting by stock and bond-holders, chap. 510 ... 720
Railroads, act authorizing the consolidation of certain, amended, chap. 94 ... 208
Railroads, leasing of, chap. 349 ... 518
Railroads, steam, providing for construction of, in counties of the State, amended, chap. 417 ... 607
Railroads, street, relating to, chap. 415 ... 606
Railroads, reorganization of, to facilitate, chap. 155 ... 281
Religious societies, acts to provide for the incorporation of, amended, chap. 55 ... 157
Rochester and Lake Ontario Railway Company, route confirmed, chap. 311 ... 453
Rondout and Oswego Railroad, providing for the extension of, repealed, chap. 382, 563
Savings banks, in relation to, chap. 287 ... 428
Society for the relief of half-orphan and destitute children in New York city, incorporation of, chap. 502 ... 713
Societies or clubs for certain lawful purposes, act authorizing the formation of, amended, chap. 98 ... 210
Stock, preferred, may be exchanged for common, chap. 225 ... 346
Supreme council, Royal Templars of Temperance, incorporation of, chap. 586 ... 876
Taxation of, providing for, chap. 542 ... 763
Taxation of life insurance companies, chap. 534 ... 754
Temple Beth Zion of Buffalo, incorporation of, chap. 293 ... 434
Troy Young Men's Association, incorporation of, amended, chap. 217 ... 332
Trustees of Church Erection Fund of Presbyterian Church, incorporation of, chap. 288 ... 429
Union Evangelical church of Corona, act to confirm the incorporation of, ch. 1... 1
Union Plank Road Company, for the relief of, chap. 511 ... 721
United States Loan and Security Company, incorporation of, amended, chap. 189.. 305
Walton Water Company, incorporation of validated and acts legalized, chap. 343, 506
Waterville Opera House Company, limited, powers enlarged, chap. 470 ... 675

NAMES CHANGED BY THE COURT.

American Exchange, to Butter, Cheese and Egg Exchange.. ... 918
American Loan Company, to American Loan and Deposit Company ... 914

CORPORATIONS — Continued. PAGE.
American Plumbers Publishing Company, to Plumber and Sanitary Engineer..... 910
American Spectator Publishing Company, limited, to Hour Publishing Company, limited 917
Averill Chemical and Paint Company, to Averill Paint Company..... 916
Franklin Engraving and Printing Company, to Franklyn Bank Note company.... 910
Gethsemane Baptist Church, to Willoughby Avenue Baptist Church..... 909
Homœopathic College of Physicians and Surgeons, to College of Physicians and Surgeons at Buffalo, New York..... 920
Hudson River Pulp Company to Hudson River Pulp and Paper Company 919
Hurd's Magical Mixture Company, to Hurd Chemical Company 911
J. G. Shaw Company, to National Blank Book Company 917
Page, Kidder and Fletcher, to New York Coal Tar Chemical Company,..... 908
Public Exchange, to Mining Trust Company..... 919
United Evangelical Brethren, to Evangelical United Brothers 912
Trustees of Presbyterian Church and Congregation of Freshpond, to Trustees of Presbyterian Church and Congregation of Northport..... 916
Wardens and Vestrymen of St Mary's Church, to Rector, Wardens and Vestrymen of St Mary's Church 916

CORTLAND COUNTY.

Cortland, village of, establishing a union free school or schools in, chap. 109..... 218
Towns and cities may sell stocks of S. C. R. R, chap. 281..... 418
Towns, cities and villages of, may sell capital stock of railroad companies, chap. 21..... 110

CORTLAND, VILLAGE OF.

Establishing a union free school or schools, chap. 109..... 218

CORTLANDT, TOWN OF.

Extending time for collection of taxes in town of, chap. 156 281

COSTS.

Relating, in village courts, chap. 235..... 359

COUNSELORS.

Admission of, chap. 58..... 162

COUNTIES.

(See, also, the various counties.)

Bonded indebtedness of, act in relation to, amended, chap. 12, 13; chap. 204 322
Collection of judgments against, chap. 554..... 908

COUNTY CLERKS.

Franklin county, compensation of, chap. 419..... 609
Kings county, in relation to arrangement of old records, etc., chap. 101..... 212
Richmond county, compensation of, chap. 419..... 609
Westchester county, keeping open office of, chap. 334..... 499

COUNTY COURTS.

Relating to, amended, chap. 480 690

COUNTY JUDGE.

Orange county, salary fixed, chap. 270..... 404

COUNTY TREASURERS.

Appropriation for advances to, on account of taxes of non-residents, chap. 141 ... 257
In relation to, amended, chap. 233 358
Kings county, Brooklyn State and county tax, to be paid to, chap. 26..... 113
Monroe county, amending act relating to sale of property for unpaid taxes, chap. 127 286
Monroe county, relating to, chap. 351 519
Orleans county, authorized to sell property for unpaid taxes, chap. 150..... 274
Relating to, amended, chap. 580..... 869
Seneca county, relating to, chap. 351..... 519
Westchester county, keeping open office of, chap. 334..... 499

COURT OF APPEALS. PAGE.
Appropriation for salaries of judges, chap. 141 ... 250
Appropriation for salary of reporter, chap. 141 ... 250
Appropriation for salary of clerk, chap. 141 ... 250
Appropriation for salary of deputy clerk, chap. 141 ... 250
Appropriation for salaries of clerks in the office of the clerk of the court, chap. 141, 250
Appropriation for messenger to clerk, chap. 141 ... 250
Appropriation for furniture and books, chap. 141 ... 250
Appropriation for criers and attendants, chap. 141 ... 250
Appropriations, deficiency, chap. 549 ... 792

COURTS.
Brooklyn local inferior, chap. 256 ... 384
Buffalo, municipal court established, chap. 344 ... 506
Chemung county, appointing the holding of a court of oyer and terminer in, chap. 121 ... 231
Code of Civil Procedure, acts amendatory, chap. 54, 156; chap. 67, 172; chap. 108, 218; chap. 149, 274; chap. 301, 443; chap. 359, 550; chap. 529, 746; chap. 535, 755; chap. 536, 755 (chap. 178, see Vol. 2.) ...
County, relating to, amended, chap. 480 ... 690
Courts, officers of justice and civil proceedings, amended, chap. 445 ... 650
Judiciary, relating to, chap. 280, laws of 1847, amended, chap. 354 ... 521
Justices of the peace, acts of certain, legalized, chap. 341 ... 504
Law of evidence and practice amended, chap. 36 ... 141
New York districts courts, for the relief of clerks of, in 1876, chap. 117 ... 228
New York city district courts, altering and defining the limits of the first and third districts, chap. 132 ... 241
New York city, relating to legal proceedings, in which the mayor, aldermen and commonalty are parties of record or in interest, chap. 8 ... 9
New York city, relative to courts of record, amended, chap. 398 ... 574
Rochester, municipal court of, chap. 14 ... 81
Supreme, authority in mandamus to correct returns of county canvassers, chap. 460, 662
Troy, justices and police, chap. 255 ... 382
Village courts, relating to, chap. 235 ... 359
Writs of error in criminal cases, amended, chap. 538 ... 757

COXSACKIE, VILLAGE OF.
Charter amended, chap. 273 ... 408

CRESCENT COMPANY.
Charter amended, chap. 473 ... 676

CUSTODIAL ASYLUM.
Appropriation for, chap. 141 ... 259

CRABB, GARRET M.
Name changed to Garret C. Martense ... 914

DAIRYMEN.
For the protection of, amended, chap. 489 ... 639

DANFORTH, VILLAGE OF.
May issue bonds, chap. 357 ... 525

DEAF AND DUMB.
Appropriation for support and instruction of, chap. 141 ... 258
Appropriation for supplying Deaf Mutes Journal to, chap. 141 ... 258

DEEDS.
Commissioners of, in other States, act appointing amended, chap. 115 ... 227

DEER.
Game laws, amended, chap. 531, 747; chap. 584 ... 875
Game and fish protectors, appointment of, chap. 591 ... 881

DEERPARK, TOWN OF.
Additional powers conferred on union free school dist. No. 1, chap. 524 ... 789

DE KALB. PAGE.
Action of town meeting legalized, chap. 404..... 593
DELAWARE AND HUDSON CANAL COMPANY.
Relating to school taxes, chap. 540..... 762
DELAWARE COUNTY.
Delhi, village of, act to organize a fire department in, chap. 37..... 141
Tompkins, division of town of, and erection of a new town, chap. 177..... 297
Towns, cities and villages of, may sell capital stock of railroad companies, chap. 21, 110
DELHI, VILLAGE OF.
Fire department, act to organize a, in, chap. 37..... 141
DEPARTMENT OF PUBLIC INSTRUCTION.
Appropriation for clerk hire, chap. 141..... 252
Appropriation for expenses in visitation, chap. 141..... 252
Appropriation for expenses of examinations, chap. 141..... 252
Appropriation for furniture, etc., chap. 141..... 252
Appropriation for salary of deputy, chap. 141..... 252
Appropriation for salary of superintendent, chap. 141..... 252
DEPUTY COMPTROLLER.
Salary of, established, chap. 316..... 455
DISCH, JOHN P. A.
Name changed to John P. A. Price..... 916
DISCHARGED CONVICTS.
Appropriation for State agency, chap. 141..... 256
DISORDERLY CONDUCT.
Act to repress and punish, on public conveyances, chap. 186..... 302
DISSOLUTION.
Providing for, of Union free school districts in certain cases, chap. 210..... 335
DODGE, LOUISE, ET AL.
Release of lands to, chap. 313..... 454
DODGSHUN, CHARLES JAMES.
Name changed to Charles James Dodshun..... 908
DOMESTIC AND FOREIGN MISSIONARY SOCIETY OF THE P. E. CHURCH.
Incorporation of, amended, chap. 226..... 346
DOWER.
Sale of real estate in which widow has dower interest, amended, chap. 487..... 697
DRAINAGE.
New York city, for the proper drainage of lands, chap. 360..... 537
Westchester county, relative to the drainage of swamps, etc., chap. 388..... 566
DUNKIRK, VILLAGE OF.
Charter of, amended, chap. 19..... 100
DUTCH, GEORGE F.
Name changed to George F. Dutcher..... 914
DUTCHESS COUNTY.
Poughkeepsie, act in relation to building for recorder's court, etc., chap. 34..... 140
Poughkeepsie, act to amend the charter of, chap. 77..... 181
Poughkeepsie Bridge Company, act incorporating, amended, chap. 50..... 154
Rhinebeck, village of, charter amended, chap. 324..... 469
EAST BLOOMFIELD, TOWN OF.
Acts of Richmond S. Hayes, as justice of the peace, legalized, chap. 38..... 142

EAST CHESTER, TOWN OF. PAGE.
Receiver of taxes, office of, established, chap. 405 ... 593

EAST RIVER.
Preventing the deposit of dead animals, etc., amended, chap. 468 ... 664

EDEN, TOWN OF.
Official acts of supervisor legalized, chap. 438 ... 639

EDMESTON.
Town of, may sell capital stock of railroad companies, chap. 21 ... 110

ELECTIONS.
Act to ascertain the citizens entitled to the right of suffrage, amended, chap. 465, 668; chap. 588 ... 716
Act to ascertain the citizens in towns in counties of over 800,000 population, who may be entitled to the right of suffrage, chap. 142 ... 261
Act to promote honest elections, chap. 56 ... 157
Brooklyn, city of, appointment of a board of election, chap. 528 ... 742
Germania Fire Insurance Company, time of election of, changed, chap. 152 ... 280
Hastings-on-Hudson, election of trustees of, confirmed, chap. 116 ... 228
Johnstown, Fulton county, electors may vote for town officers by districts, amended, chap. 260 ... 390
Railroads, voting by proxy, chap. 510 ... 720
Registration in cities of over 16,000 population, chap. 576 ... 861
Revised Statutes, election districts, amended, chap. 437 ... 638
Revised Statutes, amended, chap. 553 ... 807
School districts, election of officers, amended, chap. 527 ... 741
Submission of constitutional amendments, chap. 491 ... 701
Supreme court, authority in mandamus to correct returns of county canvassers, chap. 460 ... 662
Uniform ballots to secure, chap. 366 ... 547
Watervliet, act enabling electors of town of, to vote by districts for town officers, amended, chap. 28 ... 115
Western New York Agricultural Society, regulating voting, chap. 214 ... 330

ELECTORS OF PRESIDENT AND VICE-PRESIDENT.
Appropriation for, chap. 549 ... 792

ELLENVILLE, VILLAGE OF.
Assessments for taxes in, in relation to, chap. 157 ... 282
Charter of, amended, chap. 49 ... 151

ELMIRA, CITY OF.
Providing for a public park, chap. 499 ... 708

ELMIRA FEMALE COLLEGE.
Appropriation for, chap. 141 ... 261

ELMIRA FEMALE COLLEGE EDUCATIONAL FUND.
Appropriation from, chap. 141 ... 261

ELMIRA REFORMATORY.
Appropriation for, chap. 549 ... 797

EMBEZZLEMENTS.
Protection against, of public officers, amended, chap. 435 ... 620

ERIE COUNTY.
(See, also, BUFFALO CITY.)
Appropriation for, chap. 549 ... 792
Buffalo City Cemetery Association, may acquire additional lands, chap. 264 ... 394
Eden, town of, official acts of supervisor legalized, chap. 438 ... 639
Lancaster, village of, charter amended, chap. 444 ... 649
Public buildings of, and Buffalo city, act in relation to, chap. 31 ... 135
Stenographer for surrogates' court, appointment of, chap. 482 ... 692

ERROR. PAGE.
Writs of, in criminal cases, chap. 538 757
ESSEX COUNTY.
Keeseville union free school district number one may borrow money, chap. 279 416
Moriah, extending time for collection of taxes in, chap. 153 280
EVIDENCE.
Code of Civil Procedure relating to evidence of husband and wife, amended, chap. 149 274
Law of, amended, chap. 86 141
EXECUTIVE DEPARTMENT.
Appropriation for salary of governor, chap. 141 250
Appropriation for salary of lieutenant-governor, chap. 141 250
Appropriation for salary of private secretary, chap. 141 250
Appropriation for clerks, messengers, etc., chap. 141 250
Appropriation for furniture, books, etc., chap. 141 250
Appropriation for apprehension of criminals, chap. 141 250
Appropriation for apprehension of fugitives, chap. 141 250
Appropriation for repairs, etc., executive mansion, chap. 141, 250; chap. 549 791
Appropriation for new safe, chap. 549 793
EXECUTIVE OFFICERS.
Revised Statutes relating to duties of, amended, chap. 86 198
EXECUTORS.
Revised Statutes amended, chap. 231 351
EXHIBITION.
International, relative to real estate for the purposes of, chap. 474 678
Under the supervision of the United States held in this State, relating to, chap. 393 570
FABER, JOHN ROBERT.
Name changed to John Eberhard Faber 907
FARMERS' LOAN AND TRUST COMPANY.
Charter amended, chap. 277 415
FERRIES.
Lake Champlain, from farm of H. G. Burleigh, Essex county, establishing, chap. 385 564
Leasing of wharf property for, in New York city, chap. 498 707
Poughkeepsie and New Paltz Ferry Company, charter amended, chap. 390 568
Suffolk county, authorizing Henry Fordham and George W. Tuttle to maintain a ferry across Great South Bay, chap. 500 718
FIDELITY AND CASUALTY COMPANY OF NEW YORK.
Act authorizing the Knickerbocker Casualty Insurance Company to change its name to, chap. 87 199
FIVE POINTS HOUSE OF INDUSTRY.
For the relief of, chap. 597 890
FIRE DEPARTMENTS.
Delhi, act to organize a fire department in, chap. 87 141
Greene, Chenango county, sale of real estate, chap. 345 514
Madrid, organizing a fire department in, chap. 129 238
Medina, Alert Hose Company, incorporated, chap. 409 599
Medina, fire department of, act incorporating, chap. 7 8
Oswego city, amending organization of, chap. 389 567
Saratoga Springs, trustees of, may purchase hose for fire department, chap. 126 ... 235
Troy, incorporating the board of trustees of the fire department of the city of, chap. 193 312
Waterloo, incorporation of, chap. 310 451
Watkins, incorporation of fire department amended, chap. 408 598
West Troy, establishing a board of fire commissioners in, chap. 329 486

FIRE PROOF WAREHOUSING COMPANY. PAGE.
Incorporation of, amended, chap. 425 613

FISH.
Game laws amended, chap. 531, 747; chap. 584 875
Game and fish protectors, appointment of, chap. 591 881

FISHWAYS.
Erection of, in State dams, chap. 252 380

FLUSHING, TOWN OF.
May borrow money and issue bonds to pay indebtedness, chap. 103 214
Relating to overseers of the poor, chap. 44 366

FLUSHING, VILLAGE OF.
Charter amended, chap. 243 365

FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY.
May purchase Gloversville and Northville railroad, chap. 124 288

FORSYTH STREET METHODIST EPISCOPAL CHURCH.
Act enabling, to transfer its real estate to trustees, chap. 84 196

FRANKLIN COUNTY.
County clerk, compensation of, chap. 419 609
Malone, amending act organizing board of education in village districts, chap. 197, 318

FRANKLIN ENGRAVING AND PRINTING COMPANY.
Name changed to Franklin Bank Note Company 910

FRAUD.
For the protection of tax-payers from frauds of public officers, amended, chap. 435, 620

FREE SCHOOL FUND.
Appropriation from, chap. 141 260

FRIENDS.
Relating to trusts for religious society of, amended, chap. 337 502

FROST, ALBERT C.
Act to confirm and legalize acts of, as a notary public in Schuyler county, chap. 95, 209

FUEL.
Appropriation for, for State buildings, chap. 141 255

FULTON COUNTY.
Broadalbin, town of, acts of commissioners of excise legalized, chap. 446 650
Johnstown, town of, action of town meeting in raising money for roads and bridges legalized, chap. 207 324
Johnstown, town of, electors may vote for town officers by districts, chap. 260 390
Johnstown, town of, school district number four, additional powers conferred, chap. 524 739
Town auditors, exempted from provisions of act creating, chap. 314 454

FUREY, LOUIS JAMES.
Name changed to Louis James Pooler 907

GAME LAWS.
Amended, chap. 531, 747; chap. 584 875
Game and fish protectors, appointment of, chap. 591 881

GENESEE COUNTY.
LeRoy, charter of village of, amended, chap. 276 414

GENESEE VALLEY CANAL.
Relating to banks and prism, and for the sale of, chap. 326 472

GERMANIA FIRE INSURANCE COMPANY.
Change of time of election of directors, chap. 152 280

GERMAN MASONIC TEMPLE ASSOCIATION. PAGE.
Act incorporating, amended, chap. 192 ... 309
GETHSEMANE BAPTIST CHURCH.
Name changed to Willoughby Avenue Baptist Church ... 909
GLEN'S FALLS FEEDER.
Appropriation for, chap. 258 ... 388
GOVERNMENT.
Providing ways and means for support of, chap. 515 ... 725
GRAND COUNCIL ROYAL TEMPLARS OF TEMPERANCE.
Incorporation of, chap. 406 ... 596
GRAND LODGE KNIGHTS OF PYTHIAS OF THE STATE OF NEW YORK.
Incorporation of, chap. 376 ... 556
GRAVESEND.
Common lands of the town of, act in relation to, chap. 92 ... 204
Town treasurer, office of, established, chap. 212 ... 327
GREAT BEDS.
Submarine site for a light-house at, act ceding jurisdiction over, to the United States, chap. 69 ... 175
GREAT SOUTH BAY.
Henry Fordham and George W. Tuttle may maintain a ferry across, chap. 500. . 711
GREENE, TOWN OF.
School district number four, act to appoint a trustee of the bequest of Levi Farr, deceased, to, chap. 88 ... 199
Town auditors, board of, exempted from provisions of act creating, chap. 107 ... 217
GREENE, VILLAGE OF.
Relating to sale of real estate used by fire department, chap. 345 ... 514
GREENE COUNTY.
Athens, village of, charter amended, chap. 372 ... 553
Bounty debt, providing for payment of, amended, chap. 218 ... 335
Catskill, extending time for collection of taxes, chap. 119 ... 230
Coxsackie, charter of village of, amended, chap. 273 ... 408
Hunter, extending time for collection of taxes, chap. 119 ... 230
Overlook Turnpike Company, rate of toll fixed, chap. 238 ... 361
GRUSCHENKE, GEORGE.
Name changed to George Gru ... 914
GRUSCHENKE, HANNAH.
Name changed to Hannah Gru ... 914
GRUSCHENKE, JAMES.
Name changed to James Gru ... 914
GRUSCHENKE, JOSEPH.
Name changed to Joseph Gru ... 914
GRUSCHENKE, MICHAEL.
Name changed to Michael Gru ... 914
GRUSCHENKE, RACHEL.
Name changed to Rachel Gru ... 914
GUILFORD, TOWN OF.
Board of town auditors, exempted from provisions of act creating, chap. 107 ... 217
GYPSUM CEMETERY ASSOCIATION.
Revival of, chap. 381 ... 569

HALLEY, REV. EBENEZER. PAGE.
Appropriation for, chap. 549 ... 791
HAMBURG CEMETERY ASSOCIATION.
Acts legalized and name changed, chap. 454 ... 657
HAMILTON, VILLAGE OF.
Charter amended, chap. 268 ... 397
HAMILTON COUNTY.
Long Lake, town of, establishing a cemetery in, chap. 325 ... 471
Road from Johnsbury to Carthage road, amended, chap. 578 ... 867
HARBOR MASTERS.
Powers of, conferred on patrolmen detailed to certain docks in Brooklyn, chap. 151 ... 279
HARLEM RIVER.
Right of way for improvement of, act granting to the United States, amended, chap. 65 ... 107
HARBRECHT, LOUIS ALBERT.
Name changed to Louis Albert Brits ... 914
HASTINGS-ON-HUDSON.
Election of trustees of, confirmed, chap. 116 ... 228
HAWKERS AND PEDDLERS.
Revised Statutes in relation to the licensing of, amended, chap. 72 ... 177
HAYES, RICHMOND S.
Act legalizing acts of, as a justice of the peace of the town of East Bloomfield, Ontario county, chap. 38 ... 142
HEMPSTEAD.
Overseers of the town of, act in relation to, chap. 93 ... 207
Plain or common lands in, act in relation to the disposition of moneys arising from sale of, amended, chap. 45 ... 149
HENDERSON, TOWN OF.
Relating to overseers of the poor, chap. 589 ... 880
HERKIMER, VILLAGE OF.
Relating to a cemetery in, chap. 485 ... 694
HERKIMER COUNTY.
Herkimer, village of, relating to a cemetery in, chap. 485 ... 694
Little Falls, village of, charter amended, chap. 481 ... 691
Mohawk, village of, charter amended, chap. 412 ... 603
HIGHWAYS.
Board of supervisors, additional powers with regard to, chap. 175 ... 206
Kinderhook, commissioner of highways may protect a certain highway from encroachments of Kinderhook creek, chap. 158 ... 282
Newark Valley, Tioga county, replacement of records destroyed by fire, chap. 520, 728
Plank-roads and Turnpike Companies, relating to, chap. 484 ... 693
Queens county, relating to highway labor, chap. 451 ... 654
Revised Statutes amended, chap. 308, 449; chap. 503, 713 ...
Revised Statutes, certain towns exempted, chap. 114 ... 226
Rivers, relating to floating logs, lumber, etc., on, chap. 533 ... 753
Ulster county, commissioner of highways to act as inspector of plank-roads, act concerning, chap. 137 ... 247
HOLSTEIN BREEDER'S ASSOCIATION OF AMERICA.
Incorporation of, chap. 447 ... 651
HOMŒOPATHIC ASYLUM AT MIDDLETOWN.
Appropriation for, chap. 549 ... 797

HOMŒOPATHIC COLLEGE OF PHYSICIANS AND SURGEONS. PAGE.
Name changed to College of Physicians and Surgeons at Buffalo, New York..... 920

HORSEHEADS.
Village of charter amended, chap. 379..... 561

HOUSES OF REFUGE.
Regulating use of intoxicating liquors in, chap. 429..... 616

HUDSON RIVER.
Improvement of, act for, and making an appropriation therefor, chap. 51..... 154
Poughkeepsie Bridge Company, act incorporating, amended, chap. 50..... 154
Swing bridges aross, relating to lights on, chap. 541..... 763
To prevent deposit of mud and preserve navigation, amended, chap. 215 331

HUDSON RIVER PULP COMPANY.
Name changed to Hudson River Pulp and Paper Company..... 919

HUDSON RIVER STATE HOSPITAL.
Appropriation for, chap. 141, 259; chap. 549 797

HUDSON SUSPENSION BRIDGE AND NEW ENGLAND RAILWAY COMPANY.
Charter amended, chap. 420..... 609

HUNTER, TOWN OF.
Extending time for collection of taxes in, chap. 119..... 230

HUNTINGTON, TOWN OF.
Relating to protection of oyster planting, present town of, exempted, chap. 240... 362

HURD'S MAGICAL MIXTURE COMPANY.
Name changed to Hurd Chemical Company 911

HURLEY, JOHN C.
Name changed to John C. Burly..... 915

HUSBAND.
Partition of lands held by husband and wife, chap. 472..... 676

HYNES, HON. JOSEPH.
Appropriation for, chap. 549..... 791

INDIAN AFFAIRS.
Appropriations for various tribes of Indians, chap. 141..... 256
Seneca Indians, to prevent bribery of officers of, chap. 184..... 301

INDIAN SCHOOLS.
Appropriation for support of, chap. 141..... 260

INFECTIOUS AND CONTAGIOUS DISEASES OF ANIMALS.
Appropriation for carrying out the provisions of the act relating to, chap. 11..... 11

INSANE.
Act in relation to the care and custody of, amended, chap. 164..... 286

INSOLVENT CORPORATIONS.
Relating to receivers of, chap. 537..... 756

INSPECTION OF SALT.
Act concerning the manufacture and, chap. 139..... 248
Appropriation for salary of inspector, etc., of Onondaga salt springs, chap. 141... 257

INSPECTOR OF GAS METERS.
Appropriation for salary and expenses, chap. 141..... 258

INSTITUTE FOR DEAF AND DUMB IN NEW YORK.
Appropriation for, chap. 141..... 258

INSTITUTION FOR THE BLIND AT BATAVIA.
Appropriation for, chap. 141..... 259

INSTITUTION FOR THE BLIND IN NEW YORK. PAGE.
Appropriation for, chap. 141 259
INSTITUTION FOR THE IMPROVED INSTRUCTION OF DEAF MUTES IN NEW YORK.
Appropriation for, chap. 141 258
INSTRUMENTS.
Actions for relief, when instruments have been recorded, chap. 530 747
INSURANCE COMPANIES.
Centennial Insurance Company, time for organization extended, amended, chap. 396 572
County and town co-operative, providing for formation of, amended, chap. 397 572
County co-operative, providing for the formation of, chap. 362 540
Depositing of securities by, with the superintendent of the insurance department, act regulating the, chap. 22 111
Fire and fire and inland, regulating examinations and reports of, chap. 110 222
Foreign fire or marine, further regulation of admission of, chap. 428 615
Germania Fire Insurance Company of New York city, change of time of election of directors of, chap. 152 280
Knickerbocker Casualty Insurance Company authorized to change its name to the Fidelity and Casualty Company of New York, chap. 87 199
Life and health, formation and agencies of, relating to, chap. 427 615
Lightning, joint-stock fire companies may insure against, chap. 452 656
Marine, may amend their charters, chap. 222 340
Special deposits by life insurance companies and appointment of receivers in certain cases, in relation to, chap. 168 290
Taxation of life insurance companies, chap. 534 754
INSURANCE DEPARTMENT.
Appropriation for, chap. 141, 253; chap. 549 792
INTEREST.
Reduction of, on U. S. Deposit Fund, chap. 517 726
INTERNATIONAL EXHIBITIONS.
Relating to, under the supervision of the United States, chap. 393, 570; chap. 474 678
INTOXICATING LIQUORS.
Regulating use of, in poor-houses, jails, etc., chap. 429 616
JAMES PRENDERGAST LIBRARY ASSOCIATION OF JAMESTOWN.
Incorporation of, chap. 3 3
JAMESTOWN, VILLAGE OF.
James Prendergast Library Association of, incorporation of, chap. 3 3
JANITORS.
Kings county, armories, appointment and compensation of, chap. 443 648
New York city, district courts, relative to, chap. 392 569
JAVA, TOWN OF.
Relating to the bonded indebtedness of, chap. 146 270
JEFFERSON COUNTY.
Henderson, town of, relating to overseer of the poor, chap. 589 880
Orleans, town of, relating to bonded indebtedness, chap. 509 717
Watertown, city of, charter amended, chap. 495 705
Watertown, city of, water commissioners may borrow money, chap. 148 273
J. G. SHAW COMPANY.
Name changed to National Blank Book Company 917
JOHNSON, CATHARINE.
Release of lands to, chap. 304 445

JOHNSON, EDWIN VENELL. PAGE.
Name changed to Edwin Venell Price 915
JOHNSON, NANNETTE.
Release of lands to, chap. 410 600
JOHNSTOWN, TOWN OF.
Action of annual town meeting in raising money for roads and bridges, legalized, chap. 207 323
Election of town officers by districts, amended, chap. 260 390
School district No. 4, additional powers conferred, chap. 524 739
JONES, SIDNEY COLFORD.
Name changed to Sidney Jones Colford 907
JONES FUND.
For support of poor in Oyster Bay and North Hempstead, in relation to, chap. 229, 349
JUDGMENTS.
Collection of, against counties, towns, cities and villages, chap. 554 808
JUDICIAL DISTRICT LIBRARIES.
Appropriation for, chap. 400. 576
JUDICIARY.
Relating to, chap. 280, laws of 1847, amended, chap. 354 521
Relating to courts, officers of justice and civil proceedings, amended, chap. 445, 650
JURORS.
Physicians, surgeons, dentists and druggists exempted, chap. 67 172
Revised Statutes, relative to drawing of, amended, chap. 122 233
JUSTICES OF THE PEACE.
Acts of certain, legalized, and authorizing justices to file official bonds, chap. 221, 339
Acts of Richmond S. Hayes of East Bloomfield, Ontario county, legalized, chap. 38, 142
Legalizing official acts of certain, chap. 341 504
JUVENILE DELINQUENTS.
Appropriation for Society for Reformation of, chap. 141 259
JUVENILE REFORMATORIES.
Regulating use of intoxicating liquors in, chap. 429 616
KASPROWICZ, CHARLES.
Named changed to Charles Cass 908
KASPROWICZ, MILLARD.
Name changed to Millard Cass 908
KASPROWICZ, PAUL.
Name changed to Paul Cass 908
KENNEDY, ELLEN.
Release of lands to, chap. 476 680
KEESEVILLE UNION FREE SCHOOL DISTRICT NUMBER ONE.
May borrow money, chap. 279 416
KINDERHOOK, TOWN OF.
Commissioner of highways may protect a certain highway from encroachments from Kinderhook creek, chap. 158 282
KINDERHOOK, VILLAGE OF.
Charter amended, chap. 490 699
KINGS COUNTY.
(See, also, BROOKLYN.)
Armories, appointment of janitors, etc., chap. 443 648
Board of estimate established, chap. 532 750

KINGS COUNTY — Continued. PAGE.
Board of supervisors of, authorized to purchase land for the uses of the national guard, chap. 46 ... 169
Buchwick avenue, extension of in town of New Lots, amended, chap. 562 ... 815
Charities and Corrections, board of, established, chap. 284 ... 421
Concerning notaries public, chap. 234 ... 358
County clerk, arrangement of old records, etc., act repealing act relating to, chap. 101 ... 212
County treasurer, act providing for the payment of the Brooklyn State and county tax to, chap. 26 ... 113
Gravesend, act in relation to the common lands of the town of, chap. 92 ... 118
Gravesend, establishing office of town treasurer, chap. 212 ... 327
Livingston, Walter S., supervisors may reimburse, chap. 152 ... 285
New Lots, school district No. 3, may issue bonds, chap. 280 ... 417
New York and Brooklyn bridge, providing for the completion of, chap. 105 ... 216

KINGSTON, CITY OF.
Charter amended, chap. 299 ... 441
Providing for a water supply, chap. 523 ... 735
Relating to bonded indebtedness, chap. 501 ... 712
Schools, relating to collection of school taxes and vesting certain powers in the president of the board of education and the supervisor of the town of Ulster, chap. 342 ... 505

KINGSTON, TOWN OF.
Division of, legalized, chap. 407 ... 598

KNICKERBOCKER CASUALTY INSURANCE COMPANY.
Act authorizing change of name to the Fidelity and Casualty Company of New York, chap. 87 ... 199

KNIGHTS OF PYTHIAS.
Incorporation of Grand Lodge, chap. 276 ... 556

LABORERS.
To secure payment of, in cities, chap. 486 ... 695

LACHMAN, HERMAN.
Name changed to William Schmidt ... 907

LAKE CHAMPLAIN.
Ferry from farm of H. G. Burleigh, Essex county, chap. 385 ... 564

LAKE GEORGE.
Preservation of trees and shrubbery on islands, chap. 479 ... 689

LANCASTER, VILLAGE OF.
Charter amended, chap. 444 ... 649

LAND OFFICE.
Appropriation for assessments of public lands and mileage of speaker of assembly, chap. 141 ... 253

LANDS.
Alanson M. E. Church may transfer, chap. 216 ... 332
Biegen, Peter M., release to, chap. 296 ... 437
Blossburg Coal Company of Pennsylvania may hold real estate, chap. 203 ... 321
Bradley, Mary S., release to, chap. 111 ... 224
Brooklyn, releasing lands formerly in East river, chap. 518 ... 727
Cold Spring Harbor, Queens county, United States may acquire title to, chap. 29, 116
Comptroller may admit unpaid taxes of 1879 on lands sold at tax sale of 1877, chap. 179 ... 299
Dodge, Louisa, et al., release to, chap. 313 ... 454
First Baptist Church of Auburn may convey certain real estate, chap. 378 ... 560
Forsyth Street M. E. Church may transfer its real estate to trustees, chap. 84 ... 196
Great Beds, in Raritan bay, United States may acquire site for submarine light-house, chap. 69 ... 175

LANDS — Continued. PAGE.
Hempstead, Queens county, act relating to the disposition of money arising from sale of, amended, chap. 45 149
Johnson, Catharine, release to, chap. 304 445
Johnson, Nannette, release to, chap. 410 600
Kings county supervisors authorized to purchase, for uses of the national guard, chap. 46 149
Lands under water in front of lands devised by James Morris, deceased, relative to, chap. 74 178
Marrin, Francis, release to, chap. 394 570
Mooney, Mary Jane, release to, chap. 201 320
New Brighton, Richmond county, United States may acquire title to lands in, chap. 15 94
New York city, providing for sale of lands to New York Produce Exchange, chap. 159 283
New York city, leasing of real estate by the mayor, etc., chap. 461 663
Noonan, Margaret, relative to real estate of, chap. 494 704
Onondaga Salt Springs lands, relating to sale of leased fine salt lands, supplemental, chap. 574 852
Oswego city, sale of, authorized in, chap. 303 444
Putnam Free School District Number Ten, in White Creek and Jackson, trustees of, authorized to sell portion of real estate, chap. 71 176
Right of way for improvement of Harlem river, act granting to the United States amended, chap. 65 167
Saratoga Springs, act authorizing the sale of lands in, for unpaid taxes, chap. 68 .. 172
Title of, in Brooklyn, confirmed to F. J. Buchenberger, chap. 311 453
Wundus, Emily, release to, chap. 250 379

LANSINGBURGH, VILLAGE OF.

Charter amended, chap. 403 589

LAVALLE, WILLIAM HENRY.

Name changed to John William Sanford 911

LAW STUDENTS.

Admission to practice, chap. 58 163

LEASES.

Railroad and railroad property, relating to, chap. 349 518

LE CONTEULX ST. MARY'S INSTITUTION FOR THE IMPROVED INSTRUCTION OF DEAF MUTES, AT BUFFALO.

Appropriation for, chap. 141 258

LEGISLATURE.

Appropriation for compensation and mileage of members and officers, chap. 141 .. 255
Appropriation for advances by comptroller, chap. 141 255
Appropriation for postage, committee expenses, etc., chap. 141 255

LE ROY, VILLAGE OF.

Charter amended, chap. 276 414

LEWIS COUNTY.

Lowville, railroad commissioners may take up certain bonds, chap. 125 234
Lowville, railroad commissioners may take up certain bonds, amended, chap. 188, 304

LIBERTY, TOWN OF.

Collection of taxes in, chap. 239 363

LIBRARIES.

Appropriations for judicial district, chap. 400 578
Corning library, act for relief of, repealed, chap. 180 299
James Prendergast Library Association of Jamestown, act incorporating, chap. 3, 3

LICENSES.

Cities and villages may charge license fees to persons doing business on canals, chap. 302, 444; chap. 434 620
Physicians and surgeons, relating to, chap. 513 723

LIDDLE, HON. THOMAS. PAGE.
Appropriation for, chap. 549 ... 791

LITERATURE FUND.
Appropriation from, chap. 141 ... 260

LITTLE FALLS, VILLAGE OF.
Charter amended, chap. 481 ... 591

LIVERY-STABLE KEEPERS.
Act for the protection of, chap. 145 ... 270

LIVINGSTON COUNTY.
Collection of taxes, relating to, amended, chap. 573 ... 851

LIVINGSTON, WALTER L.
Kings county supervisors may reimburse, chap. 162 ... 285

LOBSTERS.
Preservatien of, chap. 282 ... 419

LOCKPORT.
City of, charter amended, chap. 224 ... 341
Common council of, authorized to raise by tax money for a system of fire alarm, chap. 6 ... 7

LODGING HOUSES.
Brooklyn, regulation of, amended, chap. 399 ... 575
New York city, regulation of, amended, chap. 399 ... 575

LOGS.
Relating to floating of, on rivers, chap. 533 ... 752

LONG ISLAND CITY.
Assessments for taxes, relating to, chap. 339 ... 503
Astoria, streets and avenues, improvement of, chap. 569 ... 841
Flushing avenue, for the improvement of, chap. 318 ... 456
Improvement commissioners, terms extended, chap. 570 ... 847
Improvement of lands adjoining first ward, supplemental, chap. 519 ... 728
Jackson avenue, improvement of, chap. 593 ... 884
May issue bonds, chap. 274 ... 410
Riker avenue, to reduce width of, chap. 414 ... 605
Unpaid taxes and water assessments, relating to, chap. 581 ... 869

LONG LAKE.
Establishing a cemetery in, chap. 325 ... 471

LOWVILLE, TOWN OF.
Railroad commissioners may take up certain bonds, chap. 125 ... 234
Railroad commissioners may take up certain bonds, amended, chap. 188 ... 304

LUCASE, CLIFFORD.
Name changed to Clifford Ross ... 907

LUCASE, ROSSMORE.
Name changed to Rossmore Ross ... 907

LUCASE, VIOLETTA.
Name changed to Violetta Ross ... 907

LUMBER.
Floating of, on rivers, relating to, chap. 533 ... 752

LUNATICS.
Property of, Revised Statutes amended, chap. 423 ... 611

LUTZ, ELVA.
Name changed to Elva Ross ... 907

Mc ALPINE, C. L. PAGE.
Appropriation to pay canal certificate to, chap. 549 795
MACEDON, VILLAGE OF.
Election of officers legalized, chap. 198 319
Mc INTYRE, CHARLES H.
Name changed to Charles H. Seymour 908
Mc INTYRE, ROBERT F.
Appropriation to pay award of State board of audit to, chap. 571 849
MADRID, TOWN OF.
May borrow money for completion of water-works, etc., chap. 128 238
MADRID, VILLAGE OF.
Organizing a fire department in, chap. 129 238
MADISON COUNTY.
Hamilton, charter of village of, amended, chap. 268 397
Towns, villages, and cities of, may sell capital stock of railroad companies, chap. 21 110
MÆNNER GESANGVEREIN EICHENKRANZ.
Incorporation of, chap 253 380
MAHER, STEPHEN.
Appropriation for, chap. 549 751
MALICIOUS ANNOYANCE.
Act to prevent, chap. 209 325
MALONE.
Establishing a board of education in village school district, amended, chap. 197 .. 318
MANHATTAN SAVINGS INSTITUTION.
For the relief of, chap. 59 163
MANLIUS.
Academy may transfer property to union free school district No. 6, chap. 208 324
MARINE INSURANCE COMPANIES.
May amend their charters, chap. 222 340
MARRIED WOMEN.
Acknowledgments by, statute amended, chap. 300 443
MARRIN, FRANCIS.
Release of lands to, chap. 394 570
MAYER, EMMA.
Name changed to Emma Rosenbaum 908
MAYHEM.
Revised Statutes, amended, chap. 449 653
MEAD, ADELLE.
Name changed to Adelle Secor 907
MECHANICS AND LABORERS.
For the better security of, in Buffalo, chap. 143 264
For the protection of, chap. 440 641
To secure payment of, in cities, chap. 486 695
MEDINA, VILLAGE OF.
Alert Hose Company, incorporation of, chap. 409 599
Fire department incorporated, chap. 7 8
MIDDLETOWN, VILLAGE OF.
Charter amended, chap. 468 673

MILITARY CODE. PAGE.
Amended, chap. 547 ... 778
Commission for revision of, chap. 546 ... 777

MILITARY RECORD FUND.
Appropriation from, chap. 141 ... 261

MISER, JOSEPH, JR.
Appropriation to pay canal appraisers, award to, chap. 471 ... 675

MOHAWK, VILLAGE OF.
Charter amended, chap. 412 ... 603

MONTEZUMA TURNPIKE AND BRIDGE COMPANY.
Charter amended, chap. 458 ... 661

MONTGOMERY COUNTY.
Collection of unpaid taxes, amended, chap. 573 ... 851

MONTICELLO, VILLAGE OF.
Exempted from act requiring commissioners of highways to act as plank road inspectors, chap. 450 ... 653

MONROE COUNTY.
Brockport, appropriation for bridge over Erie canal, chap. 424 ... 612
County treasurer, relating to, chap. 351 ... 519
Differences existing between the State, and State board of audit authorized to settle, chap. 83 ... 196
Rochester, city of, charter amended and consolidated, chap. 14 ... 15
Rochester, city of, charter amended, chap. 50, 175; chap. 335 ... 500
Rochester, private parks in, relating to, chap. 96 ... 209
Rochester, relating to Genesee River feeder, chap. 359 ... 537

MOONEY, MARY JANE.
Release of lands in Troy to, chap. 201 ... 320

MOOSE.
Game laws, amended, chap. 531, 747; chap. 584 ... 875

MORAVIA, VILLAGE OF.
Charter amended, chap. 388 ... 502

MORGAN, ALFRED WATERMAN.
Named changed to Edwin Denison Morgan ... 908

MORGATACH, ALBINUS EUSTACHIUS.
Name changed to Albinus Eustachius Netzel ... 908

MORIAH.
Town of, extending time for collection of taxes, chap. 153 ... 280

MORTGAGES.
Corporations formed for purpose of erecting buildings may mortgage property and franchises, chap. 182 ... 300

MOSES, RYNEAR.
Name changed to Moses Rynear ... 908

MOUNT PLEASANT, TOWN OF.
May raise money to pay the estate of John O'Keefe, for loss sustained by depositing town funds in the first National Bank of Tarrytown, chap. 130 ... 240

MOUNT VERNON, VILLAGE OF.
Relating to sidewalks in front of certain lots, chap. 375 ... 555

NAMES.
Allowing continued use of business name, chap. 561 ... 813
Changes of ... 907

NASH, DARWIN. PAGE.
Appropriation to pay award of State board of audit, chap. 526..... 741
NASH, MARION.
Appropriation to pay award of State board of audit, chap. 526..... 741
NASSAU, VILLAGE OF.
Charter amended, chap. 306..... 447
NATIONAL GUARD.
Appropriation for expense of, chap. 141..... 257
Kings county supervisors authorized to purchase lands for the use of, chap. 46..... 169
Military code amended, chap. 547..... 778
Providing for a commission to revise the military code, chap. 546..... 777
NATIONAL TENT OF THE NATIONAL ORDER OF RECHABITES.
Incorporation of, chap. 464..... 667
NAVIGATION.
North river, to preserve navigation, amended, chap. 215..... 331
Providing for, of Walkill creek, chap. 205..... 323
NEWARK VALLEY, TOWN OF.
To replace highway records destroyed by fire, chap. 520..... 728
NEW BRIGHTON.
Land at, United States may acquire title to, chap. 15..... 94
NEW CAPITOL.
Appropriation for continuing the work on, during the winter and spring of 1880, chap. 33..... 139
Appropriation for, chap. 138..... 247
Appropriation for care, etc., 549..... 797
NEW JERSEY.
Boundary line, for the settlement of, chap. 340..... 503
NEW LOTS, TOWN OF.
Bushwick avenue, extension of, in, chap. 562..... 815
School district number three may issue bonds, chap. 280..... 417
NEW ROCHELLE, TOWN OF.
Act legalizing acts of certain town officers and authorizing issuance of bonds, chap. 40..... 143
Receiver of taxes, establishing office of, chap. 112, 224; chap. 457..... 661
NEWTOWN, TOWN OF.
Board of town auditors created, chap. 236..... 360
May fund a portion of its bounded debt, chap. 165..... 287
NEW YORK AND BROOKLYN BRIDGE.
Providing for the completion of, etc., chap. 105..... 216
NEW YORK BAY.
Preventing deposit of carrion, chap. 463..... 664
NEW YORK CITY.
Alanson M. E. Church may transfer certain real estate, chap. 216..... 333
Assessments, act to extend the time for making and correcting, chap. 89..... 200
Association for befriending children, name changed, chap. 598..... 890
Bellevue Hospital, persons not residents of New York may be received, chap. 181.. 300
Bonds, exemption of certain, from taxation, chap. 552..... 806
Bronx river, providing for a bridge over, chap. 163..... 285
Buildings for county purposes, relating to, chap. 378..... 553
Chapin Home, charter amended, chap. 489..... 699
Clerks and assistant clerks of district courts, for the relief of, chap. 117..... 228
Combustible materials, amending act relating to the storage of, chap. 169..... 293
Commissioners of deeds, appointment of additional, chap. 544..... 774

NEW YORK CITY — Continued. PAGE.
Concerning notaries public, chap. 234 ... 358
Courts of record, in relation to, amendatory act repealed, chap. 106 ... 217
Courts of record, relating to, amended, chap. 398 ... 574
Drainage of lands, for the proper, chap. 360 ... 537
Five Points House of Industry, for the relief of, chap. 597 ... 890
First avenue, for the improvement of, amended, chap. 557 ... 811
Forsyth Street M. E. Church, act authorizing the transfer of real estate to trustees, chap. 84 ... 196
German Masonic Temple Association, incorporation of, chap. 192 ... 309
Hackney coaches and carriages, act relating to, amended, chap. 47 ... 150
Improvement of, between Tenth avenue, St. Nicholas avenue, etc., chap. 367 ... 548
Janitors of district courts, relative to, chap. 392 ... 569
Judicial districts, limits of first and third altered and defined, and providing for the election of justices, chap. 132 ... 241
Lands, may sell, to New York Produce Exchange for the erection of a new building, chap. 159 ... 288
Leasing of wharf property for ferry purposes, chap. 498 ... 707
Legal proceedings in which the mayor, etc., are parties of record or in interest, relating to, chap. 8 ... 10
Local improvements, assessments for, chap. 550 ... 798
Local improvements, relating to, chap. 556 ... 809
Manhattan Savings Institution, for the relief of, chap. 59 ... 163
Morningside park, for the improvement of, chap. 565 ... 819
New York and Brooklyn bridge, relative to, chap. 105 ... 216
New York Cotton Exchange, incorporation of, amended, chap. 228 ... 348
Night medical service established, chap. 588 ... 878
Payments of assessments for local improvements, relative to, chap. 195 ... 314
Porous Plaster Company, incorporation of, amended, chap. 43 ... 146
Places of public amusement, regulation of, amended, chap. 590 ... 881
Proceedings against public officers, payment of expenses of, chap. 587 ... 877
Public market for farmers and market gardeners, providing for, chap. 191 ... 306
Public squares in Fourth avenue, relating to, chap. 558 ... 811
Reading of compilation of special laws, chap. 595 ... 888
Registration of births, chap. 259 ... 889
Registration of certain bonds, providing for, chap. 199 ... 319
Reorganization of local government, amended, and to reduce the burden of taxes, chap. 521 ... 729
Revision of special and local laws affecting public interests, chap. 594 ... 887
Runners or solicitors for patronage for steamboats, hotels, etc., chap. 858 ... 520
Sanitary code, simplifying proof of, chap. 135 ... 246
Sheriff, relative to, chap. 154 ... 280
Streets, avenues and public parks, relating to opening of, chap. 579 ... 867
Taxes and assessments in towns annexed from Westchester county, relating to, chap. 327 ... 475
Taxes, relating to arrears of personal, chap. 433 ... 619
Taxes, relative to arrears of, chap. 123 ... 233
Tenements and lodging houses, regulation of, amended, chap. 899 ... 575
Tompkins square, act conferring power on the common council to complete the restoration of, chap. 66 ... 171

NEW YORK COUNTY.

(See NEW YORK CITY.)

NEW YORK AND ERIE BANK OF BUFFALO.

Comptroller may settle claims against, chap. 497 ... 707

NEW YORK COTTON EXCHANGE.

Incorporation of, amended, chap. 228 ... 348

NEW YORK HARBOR.

Jurisdiction of certain lands in, ceded to the United States, chap. 196 ... 315

NEW YORK, KINGSTON AND SYRACUSE RAILROAD.

Providing for extension of, section 3 of act repealed, chap. 884 ... 564

NEW YORK NORTHERN RAILROAD COMPANY. PAGE.
Charter amended, chap. 391 569
NEW YORK PRODUCE EXCHANGE.
Act to facilitate the erection of a new building by, chap. 159 283
NEW YORK STATE BOUNDARY LINE.
Agreement of commissioners confirmed establishing Connecticut boundary, chap. 213 329
NEW YORK STATE CONVENTION OF UNIVERSALISTS.
Incorporation of, amended, chap. 356 523
NIAGARA COUNTY.
Lockport, city of, charter amended, chap. 224 341
Lockport, common council of, authorized to raise by tax money for a system of fire alarm, chap. 6 7
Somerset, town of, for the relief of, chap. 286 426
Wilson, village of, act amending act extending the powers of the trustees of, chap. 102 213
NIAGARA GRAND ISLAND BRIDGE COMPANY.
Charter amended, chap. 469 674
NOONAN, MARGARET.
Relating to real estate of, chap. 494 704
NORMAL SCHOOLS.
Concerning grounds, etc., and powers of local boards of, chap. 348 517
NORTH RIVER.
To prevent deposit of mud and preserve navigation, chap. 215 331
To prevent deposit of carrion, chap. 463 664
NOTARIES PUBLIC.
Act to limit terms of office of, amended, chap. 160 284
Act concerning, in Kings, Queens, Richmond, Westchester, Rockland and New York counties, amended, chap. 234 358
Frost, Albert C., acts legalized, chap. 95 209
Wood, Henry G., acts legalized, chap. 505 714
OFFICES.
Towns in Rensselaer county may reduce number of town officers, chap. 265 394
Salary of deputy comptroller established, chap. 316 455
When to be deemed vacant, chap. 4 6
OGDENSBURG, CITY OF.
Common council of, authorized to raise money for additional school-rooms, chap. 48 151
OGDENSBURG AND LAKE CHAMPLAIN RAILROAD COMPANY.
Authorized to issue bonds and mortgage to raise funds to retire preferred stock and for other purposes, chap. 73 177
OLEAN, VILLAGE OF.
Charter amended, chap. 307 448
OLEOMARGARINE.
Relative to, amended, chap. 439 639
ONEIDA COUNTY.
Boonville, town of, acts of commissioners of highways, confirmed, chap. 315 455
Rome, city of, may sell stock of R. and C. R. R., chap. 249 378
Taxes levied in, act to enforce the collection of, chap. 91 201
Utica, city of, authorized to borrow money to pay certain debts, chap. 206 323
Utica, city of, charter amended, chap. 539 757
Utica, city of, creation of new wards in, chap. 25 113
Vienna, town of, may sell capital stock of railroad companies, chap. 21 110

ONEIDA RIVER. PAGE.
Appropriation for fishways in State dam, chap. 252 ... 380

ONONDAGA COUNTY.
Baldwinsville, general village act amended so far as relates to, chap. 18 ... 96
Danforth, village of, may issue bonds, etc., chap. 357 ... 525
Manlius academy may transfer property to school district No. 6, in Manlius, chap. 208 ... 324
Skaneateles, to perfect title to lands for cemetery purposes in the trustees of the village of, chap. 52 ... 155
Supervisors may issue bonds, chap. 194 ... 313
Syracuse, city of, charter of, amended, chap. 16 ... 95
Syracuse, city of, repaving of streets and charter amended, chap. 230 ... 350
Syracuse, city of, system of sewerage in, amended, chap. 237 ... 361
Tully, town of, acts of commissioners of excise, legalized, chap. 209 ... 451

ONONDAGA INDIANS.
Appropriations for annuities, etc., chap. 141 ... 256

ONONDAGA SALT SPRINGS.
Appropriation for superintendent's salary and clerk hire, chap. 141, 257; chap. 549, 852
Inspection of salt, act concerning, chap. 139 ... 248
Sale of fine salt lands, supplemental, chap. 574 ... 852

ONTARIO COUNTY.
Canandaigua, village of, extending powers of trustees, amended, chap. 220 ... 337
Canandaigua, village of, relating to police justice and constables, amended, chap. 525 ... 740
Collection of taxes, amended, chap. 573 ... 851
Gypsum Cemetery Association revived, chap. 381 ... 562
Hayes, Richmond S., acts of, as justice of the peace of East Bloomfield, legalized, chap. 38 ... 142

ORANGE COUNTY.
Deerpark, town of, union free school district No. 1, additional powers conferred, chap. 524 ... 739
Middletown, village of, charter amended, chap. 468 ... 678
Salaries of county judge and surrogate fixed, chap. 270 ... 404
Towns, cities and villages of, may sell capital stock of railroad companies, chap. 21 ... 110
Walden, village of, charter amended, chap. 166 ... 288

ORLEANS COUNTY.
Albion, village of, charter amended, chap. 242 ... 364
Medina, Alert Hose Company incorporated, chap. 409 ... 599
Medina, fire department in, incorporation of, chap. 7 ... 8
Treasurer may sell property for unpaid taxes, chap. 150 ... 274

ORLEANS, TOWN OF.
Relating to bonded indebtedness, chap. 509 ... 717

OSWEGO, CITY OF.
Fire department, act organizing, amended, chap. 389 ... 567
Sale of lands authorized, chap. 303 ... 444

OSWEGO COUNTY.
Collection of taxes, amended, chap. 573 ... 851
Exempted from provisions of law creating boards of town auditors except Mexico, Richland and Sandy Creek, chap. 24 ... 112
Oswego city, amending organization of fire department, chap. 389 ... 567
Oswego, city of, authorizing sale of lands in, chap. 303 ... 444
Phœnix, village of, charter amended, chap. 261 ... 391
Towns, cities and villages of, may sell capital stock of railroad companies, chap. 21 ... 110

OSWEGO RIVER. PAGE.
Appropriation for fishways in State dam, chap. 252 ... 380

OTSEGO, TOWN OF.
Relating to money raised for court-house, chap. 200 ... 320

OTSEGO COUNTY.
Cooperstown, village of, charter of, amended, chap. 79 ... 191
Cooperstown, village of, relating to aqueduct association, amended, chap. 516 ... 726
Edmeston may sell capital stock of railroad companies, chap. 21 ... 110
Otsego, town of, authorizing appropriation of money raised to pay moneys borrowed and used for Otsego county court-house, chap. 200 ... 320
Pittsfield may sell capital stock of railroad companies, chap. 21 ... 110

OVERLOOK TURNPIKE COMPANY.
Fixing rate of toll, chap. 238 ... 361

OYSTERS.
Regulating taking of, south side of Staten Island, chap. 453 ... 656
Repealing act to protect planting of, so far as relates to present town of Huntington, Suffolk county, chap. 240 ... 362

PAGE, KIDDER AND FLETCHER.
Name changed to New York Coal Tar Chemical Company ... 908

PAGE, WILLIAM.
Name changed to William Howe ... 915

PALMYRA, VILLAGE OF.
Authorizing construction of bridge over Erie Canal, chap. 462 ... 664

PARTITION.
Of lands held by husband and wife, chap. 472 ... 676

PECK, CHARLES H.
Appropriation for, chap. 549 ... 795

PEEKSKILL, VILLAGE OF.
Amending act relating to water-works, chap. 401 ... 577

PENITENTIARIES.
Regulating use of intoxicating liquors in, chap. 429 ... 616

PENNSYLVANIA.
Boundary line, for the settlement of, chap. 340 ... 503

PENN YAN, VILLAGE OF.
Charter amended, chap. 81 ... 193

PENN YAN AND NEW YORK RAILROAD.
Extending time for completion of, chap. 185 ... 302

PETIT ISABELLA LIZZIE MAY DEHEER.
Name changed to Isabella Berrian Petit ... 907

PHIBBS, EDWARD L'ESTRANGE.
Name changed to Edward L'Estrange Phipps ... 907

PHŒNIX, VILLAGE OF.
Charter amended, chap. 261 ... 391

PHYSICIANS.
Regulating licensing of, chap. 518 ... 723

PITTSFIELD, TOWN OF.
May sell capital stock of railroad companies, chap. 21 ... 110

PLANKROAD AND TURNPIKE COMPANIES.
Relating to, chap. 484 ... 698

POLICE. PAGE.
Authorizing the appointment of policemen in cities for district telegraph companies, chap. 90 ... 200
Brooklyn, powers of harbor-masters conferred on patrolmen detailed to certain docks, chap. 151 ... 279
Buffalo, city, establishing a police department, chap. 436 ... 622
Canandaigua, village of, relating to police constables, chap. 525 ... 740
Troy, establishing a police force in, chap. 328 ... 476
Yonkers, city of, establishing a police force, chap. 441 ... 644

POLICE JUSTICES.
Relating to civil jurisdiction in villages, chap. 285 ... 359
Relating to, in Canandaigua, chap. 525 ... 740

POMFRET, TOWN OF.
School district number nine, act making a union free school district, amended, chap. 17 ... 95

POOR.
Erie county, providing for the support of, amended, chap. 363 ... 544
Henderson, Jefferson county, relating to, chap. 589 ... 880

POOR-HOUSES.
Regulating use of intoxicating liquors in, chap. 429 ... 616

PORT BYRON SCHOOL DISTRICT.
Damages sustained by, referred to canal appraisers, chap. 173 ... 295

PORT RICHMOND, VILLAGE OF.
Charter amended, chap. 431 ... 618

POTSDAM, VILLAGE OF.
In relation to, chap. 262 ... 391

POUGHKEEPSIE, CITY OF.
Building for recorder's court, etc., in, in relation to, chap. 34 ... 140
Charter of, amended, chap. 77 ... 181

POUGHKEEPSIE AND NEW PALTZ FERRY COMPANY.
Charter amended, chap. 390 ... 568

POUGHKEEPSIE BRIDGE COMPANY.
Act incorporating, amended, chap. 50 ... 154

POWELL, MARIA LOUISE.
Name changed to Maria Louise Courtney ... 908

POWELL, WILLIAM.
Name changed to William Courtney ... 908

PRACTICE.
Law of evidence and practice amended, chap. 36 ... 141

PRESBYTERIAN CHURCH.
Board of Home Missions incorporated, chap. 227 ... 347
Trustees of church erection fund incorporated, chap. 383 ... 429

PRISONS.
Clinton, agent and warden may make certain contracts, chap. 374 ... 564
Regulating use of intoxicating liquors in, chap. 429 ... 616
Revised Statutes, relating to testimony of convicts, amended, chap. 416 ... 606

PROCESSIONS AND PARADES.
Act regulating, in the cities of the State, amended, chap. 42 ... 145

PROSPECT LAWN CEMETERY ASSOCIATION.
Acts legalized, chap. 454 ... 657

PROTECTION. PAGE.
Act for protection of liverymen, amended, chap. 145 270
Citizens holding claims against other States, chap. 298 440
Mechanics and others, chap. 440 641
Preservation of lobsters, chap. 282 419
Prevention of abuses on the canals, chap. 278 416
Steam-heating companies, chap. 268 392
Traveling public, chap. 223 340

PROTECTORIES.
Regulating use of intoxicating liquors in, chap. 429 616

PROTECTORS.
Game and fish, providing for the appointment of, chap. 591 881

PROTESTANT EPISCOPAL CHURCH.
Domestic and Foreign Missionary Society, incorporated, chap. 296 346

PUBLIC.
For the better protection of the traveling, chap. 223 340

PUBLIC CONVEYANCES.
Act to suppress and punish disorderly conduct on, chap. 186 302

PUBLIC EXCHANGE.
Name changed to Mining Trust Company 919

PUBLIC INSTRUCTION.
Act to revise and consolidate the general acts relating to, amended, chap. 27, 114; chap. 455 657

PUBLIC MARKET.
New York city, providing market for farmers and market gardeners, chap. 191 306

PUBLIC OFFICES.
Appropriation for postage and stationery for, chap. 141 254
Notaries public, limiting term of office of, amended, chap. 160 284
When to be deemed vacant, chap. 4 6
Women may serve as school trustees, chap. 9 10

PUBLIC OFFICERS.
Concerning notaries public in certain counties amended, chap. 284 358
Deputy comptroller, salary established, chap. 316 455
Protection of tax payers from frauds and embezzlements of, amended, chap. 485 .. 620
Towns in Rensselaer county may reduce number of town officers, chap. 265 394

PUTNAM UNION FREE SCHOOL DISTRICT.
Relative to sale of real estate of, chap. 71 176

PURCHASERS.
Act relating to purchasers of franchises and property of corporations, which have been sold by mortgage, amended, chap. 113 202

QUEENS COUNTY.
Cold Spring Harbor, United States may acquire title to lands at, chap, 29 116
College Point, village of, relating to schools, amended, chap. 413 604
Concerning notaries public, chap. 234 358
Fixing boundary line of towns of North Hempstead and Oyster Bay, by supervisors, chap. 600 894
Flushing, authorized to borrow money and issue bonds to pay indebtedness, chap. 103 214
Flushing, town of, relating to overseers of the poor, chap. 244 366
Flushing, village of, charter amended, chap. 248 365
Hempstead, act in relation to money arising from sale of lands at, amended, chap. 45 149
Hempstead, act in relation to the overseers of the poor of the town of, chap. 93 ... 207
Highway labor, relating to, chap. 451 654

QUEENS COUNTY — Continued. PAGE.
Jones fund for the support of the poor of Oyster Bay and North Hempstead, relating to, chap. 229 ... 349
Long Island City, improvement commissioners, term extended, chap. 570 ... 847
Long Island City, improvement of Jackson avenue, chap. 593 ... 884
Long Island City, improvement of lands adjoining first ward, supplemental, chap. 519 ... 728
Long Island City, improvement of Steinway avenue, chap. 543 ... 767
Long Island City, may issue bonds, chap. 274 ... 410
Long Island City, relating to streets and avenues in Astoria, chap. 569 ... 841
Long Island City, relating to taxes and assessments, chap. 339 ... 503
Long Island City, relating to unpaid taxes and water assessments, chap. 581 ... 869
Long Island City, to improve Flushing avenue, chap. 318 ... 456
Long Island City, to reduce width of Riker avenue, chap. 414 ... 605
Newtown, town of, creating a board of town auditors, chap. 286 ... 360
Newtown, town of, enabled to fund a portion of its bonded debt, chap. 165 ... 287
Queens County Agricultural Society, in relation to, chap. 247 ... 377
Union Evangelical Church of Corona, confirming incorporation of, chap. 1 ... 1

QUEENS COUNTY AGRICULTURAL SOCIETY.
Relating to, chap. 247 ... 377

RAILROADS.
Act authorizing the issuance of certificates of stock after foreclosure and sale, chap. 5, 7
Act authorizing the consolidation of certain railroad companies, amended, chap. 94, 208
Act authorizing the formation of railroad companies, amended, chap. 133, 242; chap. 575, 853; chap. 583 ... 874
Act authorizing sale of railroad stock by certain towns, cities and villages, chap. 21, 110
Attica and Arcade Railroad Company, for the relief of, chap. 577 ... 866
Brooklyn Elevated Railway Company, right to lay rails restricted, chap. 459 ... 662
Car builders may lay down railroad tracks, chap. 267 ... 396
Certain towns and cities may sell stock of S. C. R. R., chap. 281 ... 418
Fonda, Johnstown and Gloversville Railroad Company may purchase Gloversville and Northville railroad, chap. 124 ... 238
Hudson Suspension Bridge and New England Railway Company, charter amended, chap. 420 ... 609
Leasing of, relating to, chap. 349 ... 518
New York Central and Hudson River Railroad Company and the city of Rochester, for the relief of, chap. 147 ... 271
New York, Kingston and Syracuse railroad, section 3 of act for extension of, repealed, chap. 384 ... 564
New York Northern Railroad Company, charter amended, chap. 391 ... 569
Ogdensburg and Lake Champlain Railroad Company, act authorizing issuance of bonds and mortgage, chap. 73 ... 177
Penn Yan and New York railroad, extending time for the completion of, chap. 185, 302
Reorganization of, to facilitate, chap. 155 ... 281
Rochester and Lake Ontario Railroad Company, route confirmed, chap. 311 ... 453
Rome, city of, may sell stock of R. & C. R. R., chap. 249 ... 378
Rondout and Oswego railroad, providing for extension of, repealed. chap. 382 ... 563
Steam railroads, providing for construction of, in counties of the State, amended, chap. 417 ... 607
Street railroads, relating to, chap. 415 ... 606
Trespass on cars and engines, act to prevent, chap. 370 ... 551
Voting by stock and bond-holders regulated, chap. 510 ... 720

RARITAN BAY.
Preventing deposit of carrion, etc., amended, chap. 463 ... 664

RECEIVERS.
Of insolvent corporations, relating to, chap. 537 ... 756

RECHT, SELIGMAN.
Name changed to Simon Wright ... 914

REGENTS OF THE UNIVERSITY. PAGE.
Appropriation for salary of secretary, chap. 141 254
Appropriation for salary of assistant secretary, chap. 141 254
Appropriation for compensation of botanist, chap. 141 254
Revised Statutes relating to, amended, chap. 514 725

REGISTRATION.
Births in New York city, chap. 259 389
Election registry laws, chap. 465, 668; chap. 508, 716; chap. 576 861
Providing for, of certain bonds, in New York, chap. 199 319

REGISTERS.
Westchester county, keeping open office of, chap. 394 499

RELEASES.
Biegen, Peter M., lands to, chap. 296 437
Bradley, Mary S., lands to, chap. 111 224
Brooklyn, city of, lands formerly under East river, chap. 518 727
Dodge, Louisa, et al., lands to, chap. 313 454
Johnson, Catharine, lands to, chap. 304 445
Johnson, Nannette, lands to, chap. 410 600
Kennedy, Ellen, lands to, chap. 476 680
Marrin, Francis, lands to, chap. 394 570
Mooney, Mary J., lands to, chap. 201 320
Ryan, Mary, lands to, chap. 430 617
Wundus, Emily, lands to, chap. 250 379

RELIEF ACTS.
Attica and Arcade Railroad Company, chap. 577 866
Clerks and assistant clerks of district courts of New York, chap. 117 238
Five Points House of Industry, chap. 597 890
Manhattan Savings Institution, chap. 59 163
New York Central and Hudson River Railroad Co., and the city of Rochester, chap. 147 271
Somerset, town of, chap. 286 426
Union Plank Road Company, chap. 597 890

RELIGIOUS SOCIETIES.
Alanson M. E. Church of New York city may transfer real estate, chap. 216 332
Cathedral Chapter and Corporators of the Diocese of Western New York, incorporation of, chap. 371 552
Forsyth Street Methodist Episcopal Church may transfer its real estate to trustees, chap. 84 196
Friends, amending act in relation to trusts for, chap. 337 502
Gethsemane Baptist Church, name changed to Willoughby Avenue Baptist Church, 909
Incorporation of, general act providing for, amended, chap. 55, 157; chap. 167 ... 289
New York State Convention of Universalists incorporation of, chap. 356 522
Trustees of the Presbyterian Church and Congregation of Freshpond, name changed to Trustees of the Presbyterian Church and Congregation of Northport 916
Union Evangelical Brethren to Evangelical United Brothers 912
Union Evangelical Church of Corona, confirming incorporation of, chap. 1 1
Wardens and Vestrymen of St. Mary's Church, name changed to Rector, Wardens and Vestrymen of St. Mary's Church 916

RENSSELAER COUNTY.
Berlin transferred to second school commissioner district and Brunswick to first, chap. 211 327
Lansingburgh, village of, charter amended, chap. 403 589
Nassau, village of, charter amended, chap. 306 447
Towns of, may reduce number of town officers, chap. 265 394
Troy, charter of the city of, amended, chap. 30, 117; chap. 332 493
Troy, city of, school commissioners of, act relating to, amended, chap. 32 187

RENSSELAER COUNTY — Continued. PAGE.
Troy, city of, police force established, chap. 328.... 476
Troy, city of, establishing justices' and police courts, chap. 255.... 382
Troy Young Men's Association, incorporation of, amended, chap. 217.... 332

REPAYMENT OF MONEYS.
Appropriations for, chap. 141.... 257

REPEALING ACTS.
"Act to repeal certain acts and parts of acts," amended, chap. 58.... 162
Certain acts and parts of acts, chap. 245.... 367
Corning library, for the relief of, repealed, chap. 180.... 299
Courts of record in New York city, act amending act relating to, repealed, chap. 106.... 217
Ulster county, repealing act of 1878, repealing act of 1876 amending act requiring commissioners of highways to act as inspectors of plank-roads, so far as relates to, chap. 187.... 247

REPORTS.
Appropriations for supplying to other States, chap. 141.... 257

REVISED STATUTES.
Auctioneers, sales by, amended chap. 386.... 585
Canal commissioners, amended, chap. 99.... 211
Certain acts and parts of acts repealed, chap. 245.... 367
Certain corporations exempted from provisions of, chap. 254.... 381
Elections, amended, chap. 553.... 807
Election districts, amended, chap. 437.... 638
Executive officers, amended, chap. 86.... 198
Executors and administrators, amended, chap. 231.... 351
Hawkers and peddlers, licensing of, amended, chap. 72.... 177
Highways and bridges, chap. 308.... 449
Jurors, drawing of, amended, chap. 122.... 232
Lunatics, property of, amended, chap. 423.... 611
Mayhem, amended, chap. 449.... 653
Public roads, certain towns exempted, chap. 114.... 226
Regents, organization and powers of, amended, chap. 514.... 725
Roads and bridges, amended, chap. 503.... 713
Testimony of convicts, amended, chap. 416.... 606
United States Deposit Fund, amended, chap. 517.... 726

RHINEBECK, VILLAGE OF.
Charter amended, chap. 324.... 469

RICHMOND COUNTY.
Concerning notaries public, chap. 234.... 358
County clerk, compensation of, chap. 419.... 609
New Brighton, United States may acquire title to lands at, chap. 15.... 94
Port Richmond, village of, charter amended, chap. 431.... 618
Taxes, extending time for collection of, chap. 183.... 301
Villages of, relative to supplying water for fire and other purposes in, chap. 78.... 191

RIVERS.
Floating of logs, etc., on, chap. 533.... 752

ROADS, PUBLIC.
Appropriation for payment to commissioners of moneys received for taxes of non-residents, chap. 141.... 257
Binghamton, city of, may use a portion of Chenango canal as a public street, chap. 190.... 305
Buffalo plank-road, powers of commissioners defined, chap. 219.... 339
Kinderhook, town of, relative to encroachment of Kinderhook creek on a certain highway, chap. 158.... 282
Revised Statutes, relating to highways, amended, chap. 308.... 449
Revised Statutes, with regard to, certain towns exempted from provisions of, chap. 114.... 226
Supervisors, additional powers conferred on with regard to highways, chap. 175.... 296

ROCHESTER, CITY OF. PAGE.
Charter of, amended and consolidated, chap. 14, 15; chap. 70, 175; chap. 385... 500
Genesee river feeder, relating to, chap. 359... 537
New York Central and Hudson River Railroad Company, and the city of, for the relief of, chap. 147... 271
Private parks, providing for the improvement of, chap. 96... 209

ROCHESTER AND LAKE ONTARIO RAILWAY COMPANY.
Route confirmed, chap. 311... 453

ROCKLAND COUNTY.
Concerning notaries public, chap. 234... 358
Stony Point, relating to commissioner of highways in town of, chap. 62... 166
Stony Point, relating to overseer of the poor in town of, chap. 63... 166

ROME, CITY OF.
May sell stock of R. and C. R. R., chap. 249... 378

RONDOUT AND OSWEGO RAILROAD.
Providing for extension of, repealed, chap. 382... 563

ROYAL TEMPLARS OF TEMPERANCE.
Grand Council, incorporation of, chap. 406... 596
Supreme Council, incorporation of, chap. 586... 876

RUNNERS.
For steamboats, hotels, etc., relating to, in N. Y. city, chap. 353... 520

RYAN, MARY.
Release of lands to, chap. 430... 617

SAG HARBOR.
Charter of village of, amended, chap. 13... 12

ST. JOSEPH'S INSTITUTION FOR THE IMPROVED INSTRUCTION OF DEAF MUTES AT FORDHAM.
Appropriation for, chap. 141... 258

ST. LAWRENCE COUNTY.
De Kalb, action of town meeting legalized chap. 404... 593
Madrid, town of, may borrow money for water works, chap. 128... 238
Madrid, village of, organizing a fire department in, chap. 129... 238
Ogdensburg, relative to additional school-rooms in, chap. 48... 151
Potsdam, village of, relating to, chap. 262... 391

ST. REGIS INDIANS.
Appropriation for annuities, chap. 141... 256
Appropriation for attorney, chap. 141... 257

SALARIES.
Deputy comptroller, act establishing, chap. 316... 455
Franklin county clerk, act establishing, chap. 419... 609
Orange county judge, act establishing, chap. 270... 404
Orange county surrogate, act establishing, chap. 270... 404
Richmond county clerk, act establishing, chap. 419... 609

SALT.
Concerning the manufacture and inspection of, chap. 139... 248

SANITARY CODE.
Act to simplify the proof of, chap. 135... 246

SARATOGA COUNTY.
Saratoga Springs, authorizing the sale of lands in, for unpaid taxes, chap. 68... 172
Saratoga Springs, authorizing trustees to purchase hose for the fire department, chap. 126... 295
Saratoga Springs, relative to duties of supervisor, chap. 174... 295
Saratoga Springs, village of, charter amended, chap. 266, 395; chap. 432... 619

SARATOGA SPRINGS, VILLAGE OF. PAGE.
Charter amended, chap. 266, 395; chap. 432. 619
Fire department, trustees may buy hose for, chap. 126. 235
Sale of lands for unpaid taxes, authorizing, chap. 68. 172

SARATOGA SPRINGS, TOWN OF.
Sale of lands for unpaid taxes, authorizing, chap. 68. 172
Supervisor of, relative to duties of, chap. 174. 295

SAUGERTIES, TOWN OF.
Overseer of the poor, relating to, amended, chap. 426. 614
Salaries of town clerk and commissioner of highways fixed, chap. 380. 562

SAVINGS INSTITUTIONS.
Charters of savings banks conformed, etc., amended, chap. 134. 245
In relation to, chap. 287. 428

SCHOOL COMMISSIONERS.
Troy, act relating to, amended, chap. 32. 137
Women declared eligible to serve as school trustees, chap. 9. 10

SCHOOL FUND.
Appropriations from, chap. 141. 260

SCHOOLS.
Albany city, amendatory of acts relating to, chap. 120. 231
Albany city, relating to sale of school property, chap. 118. 229
Appropriations for, chap. 141. 260
College Point, village of, relating to, amended, chap. 413. 604
Cortland village, establishing a union free school or schools in, chap. 109. 218
Delaware and Hudson Canal Company, relating to school tax, chap. 540. 762
Election of school district officers, amended, chap. 527. 741
Greene, Chenango county, amending act relating to bequest of Levi Farr, deceased, to school district No. 4, chap. 88. 199
Keeseville union free school district No. 1, may borrow money, chap. 279. 416
Kingston school district, relating to, chap. 342. 505
Malone village, establishing a board of education, amended, chap. 197. 318
Manlius, town of, academy may transfer property to school district No. 6, chap. 208. 324
New Lots school district No. 3 may borrow money, chap. 280. 417
Ogdensburg, additional school rooms in, chap. 48. 151
Pomfret, amending act relating to school district No. 9, chap. 17. 95
Public instruction, amending acts relating to, chap. 27. 113
Union free school districts may be dissolved in certain cases, chap. 210. 325
Women may serve as school trustees, chap. 9. 10

SCHUYLER COUNTY.
Frost, Albert C., legalizing acts of, as a notary public, chap. 95. 209
Watkins, village of, incorporation of fire department, amended, chap. 408. 598

SCIPIO, TOWN OF.
Board of town auditors subjected to provisions of act creating, chap. 75. 180

SEAMAN'S RETREAT HOSPITAL.
Appropriation for, chap. 549. 798

SECRETARY OF STATE.
Appropriation for salary of secretary, chap. 141. 251
Appropriation for salary of deputy, chap. 141. 251
Appropriation for salary of clerks, chap. 141. 251
Appropriation for salary of messenger, chap. 141. 251
Appropriation for furniture, etc., chap. 141. 251
Distribution of laws to town clerks, chap. 76. 180
Distribution of tramp act, chap. 176. 296
New seal, appropriation for, chap. 549. 798

SENECA COUNTY. PAGE.
County treasurer, relating to, chap. 351 519
Waterloo, village of, creating a fire department in, chap. 310 451

SENECA INDIANS.
Appropriation for annuities, chap. 141 356
Appropriation for attorneys, chap. 141 357
Preventing bribery of officers of, chap. 184 901

SENECA RIVER.
Appropriation for fishways in State dam, chap. 252 350

SHERIFFS.
New York city and county, in relation to sheriffs of, chap. 154 280

SHORE INSPECTOR.
Appropriation for salary of, chap. 141 358

SIMMONS, EMMA ALICE.
Name changed to Emma Alice Fensham 911

SIMMONS, FLORA AMANDA.
Name changed to Flora Amanda Fensham 911

SING SING, VILLAGE OF.
Charter amended, chap. 568 824

SINKING FUND.
Authorizing tax for deficiency, chap. 248 377

SKANEATELES, VILLAGE OF.
Lands for cemetery purposes, perfecting title to, in trustees of, chap. 52 155

SLATTERY, THOMAS MICHAEL.
Name changed to Michael Slattery Hengler 906

SMEDBURG, ROSA.
Name changed to Rosa Lilienthal 907

SMITH, FRANCIS WAYLAND.
Name changed to Francis Wayland-Smith 918

SOCIETY FOR THE RELIEF OF HALF-ORPHANED AND DESTITUTE CHILDREN.
Incorporation of, amended, chap. 502 713

SOLDIERS AND SAILORS' HOME.
Appropriation for, chap. 141 358

SOLICITORS.
For steamboats, hotels, etc., in New York city, relating to, chap. 353 520

SOMERSET, TOWN OF.
For the relief of, and relating to railroad indebtedness, chap. 286 426

STATE ARSENAL AT ALBANY.
Appropriation for repairs, chap. 466 669

STATE ASSESSORS.
Appropriation for salaries and expenses, chap. 141 353

STATE ASYLUM FOR IDIOTS.
Appropriation for, chap. 141 359

STATE ASYLUM FOR LUNATICS.
Appropriation for, chap. 141 356

STATE BOARD OF CHARITIES. PAGE.
Appropriation for salary and expenses of State commissioner in lunacy, chap. 141, 259
Appropriation for salary of secretary, clerk hire and expenses, chap, 141..... 259
Appropriation for support of State paupers, chap. 141..... 259
Appropriation for removal of paupers, chap. 549 795

STATE BOARD OF HEALTH.
Act establishing, chap. 323..... 465

STATE CABINET OF NATURAL HISTORY AND AGRICULTURAL MUSEUM.
Appropriation for salaries of director and assistants, chap. 141..... 254
Appropriation for repairs, etc., chap. 141..... 255
Appropriation for compensation of keeper, chap. 141..... 255
Appropriation for James Hall, State geologist, chap. 141..... 255

STATE COMMISSIONER IN LUNACY.
Appropriation for salary and expenses, chap. 141..... 259

STATE DAMS.
Appropriation for fishways in, chap. 252..... 380

STATE ENGINEER AND SURVEYOR.
Appropriation for salary of, chap. 141..... 252
Appropriation for salary of deputy, chap. 141..... 252
Appropriation for salary of clerks, chap. 141..... 252
Appropriation for printing, chap. 141..... 252
Appropriation for furniture, books, etc., chap. 141..... 252
Appropriation for clerk to index maps, etc., chap. 549..... 798

STATE HALL.
Appropriation for repairs, etc., chap. 141..... 254
Appropriation for salary of superintendent, chap. 141..... 254
Appropriation for deficiency, chap. 549..... 792

STATE HOMŒOPATHIC ASYLUM.
Appropriation for, chap. 141..... 259

STATE LIBRARY.
Appropriation for purchase of books, chap. 141..... 254
Appropriation for binding, etc., chap. 141..... 254
Appropriation for repairs, etc., chap. 141 254
Appropriation for salaries of librarian and assistants, chap. 141..... 254
Appropriation for assistant, and for printing and binding catalogue, chap. 549.... 796

STATE NORMAL AND TRAINING SCHOOLS.
Appropriations for, at Buffalo, Brockport, Cortland, Fredonia, Geneseo, Oswego and Potsdam, chap. 141..... 260
Brockport, establishing a quorum of local board of, chap. 171..... 293

STATE NORMAL SCHOOL AT ALBANY.
Appropriation for, chap. 141..... 260

STATE PRINTING.
Appropriation for legislative printing and publication of Colonial History, chap. 141 255

STATE PRISONS.
Appropriation for, chap. 549 797
Appropriation for support and maintenance and expenses of, chap. 141..... 255
Auburn prison, appropriation for, chap. 10..... 11

STATE SURVEY.
Appropriation for, chap. 141..... 257
Appropriation for completing triangulation, etc., chap. 549..... 795

STATEN ISLAND.
Regulating taking of oysters, clams, etc., south side of, chap. 453..... 656

STATUTES AMENDED.

(General.)

PAGE.
Acknowledgments by married women, chap. 300 443
Appropriation for State armories, chapter 272, laws of 1879, chap. 418 608
Auctioneers, Revised Statutes, chap. 386 565
Banking, authorizing business of, chap. 567 823
Butter, preventing deception in sales of, and for the protection of dairymen, chap. 439 639
Canal commissioners, Revised Statutes relative to, chap. 99 211
Code of Civil Procedure, chap. 54, 156; chap. 67, 172; chap. 108, 218, chap. 149, 274; chap. 301, 443; chap. 369, 550; chap. 522, 784; chap. 529, 746; chap. 535, 755; chap. 536, 755
Commissioners of deeds in other States, chap. 115 227
Convicts, testimony of, Revised Statutes, chap. 416 606
Corporations, relating to purchasers of property and franchises of, chap. 113 225
County courts, in relation to, chap. 480 690
County treasurers, chap. 233 358
Distribution to town clerks of acts passed by the legislature, chap. 76 180
Elections, Revised Statutes, chap. 553 807
Election districts, Revised Statutes, chap. 437 638
Election of school district officers, chap. 527 741
Executive officers, Revised Statutes relative to, chap. 86 198
Executors and administrators, Revised Statutes, chap. 281 351
Game laws, chap. 531, 747; chap. 584 875
General corporation act, chap. 241 363
General law with regard to corporations, act supplemental to, chap. 85 197
Hawkers and peddlers, Revised Statutes relative to the licensing of, chap. 72 177
Highways and bridges, Revised Statutes, chap. 308 449
Insane, in relation to the care and custody of the, chap. 164 286
Insurance companies, for the formation of county and town co-operative, chap. 397, 572
Judiciary, relating to, chap. 280, laws of 1847, chap. 354 521
Jurors, Revised Statutes relating to the drawing of, chap. 122 283
Law of evidence and practice, chap. 36 141
Lunatics, property of, Revised Statutes, chap. 423 611
Mayhem, Revised Statutes, chap. 449 653
Prevention of abortions, chap. 283 419
Public instruction, consolidation of general acts, chap. 455 657
Railroads, for the construction of in counties of the State, chap. 417 607
Railroads, general act, chap. 575, 853; chap. 583 874
Regents, Revised Statutes, chap. 514 725
Relating to courts of justice, etc., chap. 445 650
Roads and bridges, Revised Statutes, chap. 503 713
Rural cemetery associations, chap. 566 821
Sale of real estate in which widow has dower interest, chap. 487 597
State tax, act to equalize among the different counties, chap. 80 192
Supervisors, powers and compensation of, chap. 320, 464; chap. 365, 546; chap. 504, 714; chap. 512 723
Supervisors, powers of legislation vested in and fees prescribed, act supplemental, chap. 336 500
Suffrage, to ascertain citizens entitled to, chap. 465, 668; chap. 508 716
United States Deposit Fund, Revised Statutes, chap. 517 726
Villages, general law for the incorporation of, chap. 292, 433; chap. 422, 610; chap. 496 706
Writs of error in criminal cases, chap. 538 757

STEAMERS.

Preventing interference with owners or captains of, engaged in towing, chap. 395 570

STENOGRAPHERS.

Erie county surrogate's court, appointment of, chap. 482 693

STEUBEN COUNTY. PAGE.
Bath, village of, charter amended, chap. 358 526
Corning library, for the relief of, repealed, chap. 180 ... 299
Corning, village of, general village act, so far as relates to, amended, chap. 507 .. 716

STEVENS, HON. JAMES.
Appropriation for, chap. 549 ... 792

STOCK.
Preferred, may be exchanged for common stock of corporations, chap. 225 ... 346

STONY POINT, TOWN OF.
Commissioner of highways, relating to, chap. 62 ... 166
Overseer of the poor, relating to, chap. 63 ... 166

STORAGE.
Combustible materials, in New York city, amended, chap. 169 ... 292

STRAHAN, HON. ROBERT H.
Appropriation for, chap. 549 ... 792

SUFFOLK COUNTY.
Authorizing ferry across Great South Bay, chap. 500 711
Protection of oyster planting, repealed so far as regards town of Huntington, chap. 240 ... 362
Sag Harbor, charter of village of, amended, chap. 13 ... 12

SUFFRAGE.
Act to ascertain those who have the right of, in counties of over 300,000 population, chap. 142 ... 261
Amending act to ascertain citizens entitled to, chap. 465, 668; chap. 508 ... 716
Women may vote at school meetings, chap. 9 ... 10

SULLIVAN COUNTY.
Liberty, town of, relating to collection of taxes, chap. 239 362
Monticello, village of, exempted from act requiring highway commissioner to act as inspector of plank-roads, chap. 450 ... 653
Towns, cities and villages of, may sell capital stock of railroad companies, chap. 21 ... 110

SUPERINTENDENT OF THE INSURANCE DEPARTMENT.
Appropriations for salary, deputy. clerk hire. etc., chap. 141, 253; chap. 549 ... 792
Depositing of securities with, relating to, chap. 22 ... 111
Examinations and reports of fire and fire and inland companies, chap. 110 ... 222
Special deposits and appointment of receivers of life companies, in relation to, chap. 168 ... 290

SUPERINTENDENT OF PUBLIC WORKS.
Must keep Genesee river feeder in Rochester in a healthy condition, chap. 359 ... 537
Powers and duties defined, chap. 493 703

SUPERVISORS.
Act enlarging powers and regulating salary amended, chap. 320, 464; chap. 365, 546; chap. 504, 714; chap, 512 ... 722
Highways, additional powers with regard to, chap. 175 296
Kings county, may purchase land for the uses of the national guard, chap. 46 ... 169
Kings county, may reimburse Walter L. Livingston, chap. 162 ... 285
Onondaga county, may borrow money on bonds, chap. 194 313
Ulster county, may issue bonds for certain purposes, chap. 2 ... 2
Vesting certain legislative powers and prescribing fees, supplemental to, chap. 336, 500

SUPREME COUNCIL, ROYAL TEMPLARS OF TEMPERANCE.
Incorporation of, chap. 586 ... 876

SUPREME COURT.
Appropriation for salaries and expenses of justices, chap. 141 ... 251
Appropriation for additional compensation, second district, chap. 141 ... 251

SUPREME COURT — Continued. PAGE.
Appropriation for stenographer, second district, chap. 141 ... 251
Appropriation for expenses of general term, chap. 141 ... 251
Appropriation for traveling expenses and stenographer, second district, chap. 549, 792
Authority extended in proceedings by mandamus to correct errors in returns of county canvassers, chap. 460 ... 662

SURGEONS.
Regulating licensing of, chap. 518 ... 723

SURROGATE.
Orange county, salary established, chap. 270 ... 404

SWING BRIDGES.
Providing for certain lights on, over Hudson river, chap. 541 ... 763

SYRACUSE, CITY OF.
Charter of, amended, chap. 16 ... 95
Charter amended and in relation to repaving streets, chap. 230 ... 350
Relating to a system of sewerage, chap. 237 ... 361

TAXES.
Arrears of, in New York city, chap. 128 ... 233
Auburn, extending time for collection, chap. 89 ... 142
Banks and banking associations, etc., chap. 596 ... 888
Brooklyn, relating to unpaid taxes, chap. 572 ... 849
Brooklyn, State and county tax to be paid to county treasurer of Kings county, chap. 26 ... 118
Buffalo, city of, providing for collection of unpaid, chap. 275 ... 411
Catskill and Hunter, Greene county, time for collection extended, chap. 119 ... 230
Collection of, in Livingston, Montgomery, Ontario, Oswego and Ulster counties, amended, chap. 573 ... 851
Corporations, taxation of, chap. 542 ... 763
Cortlandt, Westchester county, time for collection extended, chap. 156 ... 281
Delaware and Hudson Canal Company, school tax, chap. 540 ... 762
Ellenville, in relation to assessments for, chap. 157 ... 283
Lands sold at tax sale in 1877, comptroller may admit taxes of 1879, chap. 179 ... 299
Liberty, town of, relating to collection of, chap. 239 ... 362
Life insurance companies, taxation of, chap. 534 ... 754
Long Island city, in relation to, chap. 339 ... 503
Long Island city, relating to unpaid taxes and water assessments, chap. 581 ... 869
Moriah, Essex county, time for collection extended, chap. 153 ... 280
New York city, relating to arrears of personal taxes, chap. 433 ... 619
New York city, to reduce the burden of, chap. 521 ... 729
New York city, relating to, in towns annexed from Westchester county, chap. 327, 475
Oneida county, to enforce collection of, chap. 91 ... 201
Review of unequal, illegal and erroneous assessments, providing for, chap. 269 ... 402
Richmond county, time for collection extended, chap. 183 ... 301
Sale of property for unpaid, by Monroe county treasurer, chap. 127 ... 236
Sale of property for unpaid, by Orleans county treasurer, chap. 150 ... 274
Sinking fund, providing a tax for deficiency, chap. 248 ... 377
State and national banks placed on the same footing with regard to, chap. 140 ... 249
State tax, amending act for equalization of, chap. 80 ... 192
Time for collection of, in the several towns of this State, extended, chap. 20 ... 109
Uncollected, relating to, in the several towns and wards of the State, chap. 448 ... 652
Ways and means for the support of the government, providing, chap. 515 ... 725
Westchester county, sale of lands for, unpaid, amended, chap. 506 ... 715

TEACHERS' INSTITUTE.
Appropriation for maintenance of, chap. 141 ... 260

TEMPLE BETH ZION OF BUFFALO.
Incorporation of, chap. 293 ... 434

TENEMENT HOUSES.
Regulation of, New York city and Brooklyn amended, chap. 399 ... 575

TESTIMONY. PAGE.
Convicts', Revised Statutes amended, chap. 416 ... 606
THOMAS' ASYLUM.
Appropriation for, chap 141 ... 258
THOMPSON, FRANCIS M.
Appropriation for, chap. 549 ... 798
TIMBER.
Floating of, on rivers, chap. 533 ... 752
TINKER, MARTIN AMOS.
Name changed to Martin Amos Ticknor ... 915
TIOGA COUNTY.
Newark Valley, town of, to replace highway records, chap. 520 ... 728
Towns and cities may sell stock of S. C. R. R., chap. 281 ... 418
TOMPKINS, TOWN OF.
Division of town of, and erection of new town, chap. 177 ... 297
TOWN AUDITORS.
(See Boards of Town Auditors.)
TOWNS.
(See, also, the various towns.)
Bonded indebtedness of, act relating to, amended, chap. 12, 12; chap. 204 ... 322
Certain towns may sell stock of S. C. R. R., chap. 281 ... 418
Collection of judgments against, chap. 554 ... 808
Delaware county, division of town of Tompkins, and erection of a new town, chap. 177 ... 297
Public roads, Revised Statutes with regard to, certain towns exempted from the provisions of, chap. 114 ... 226
Railroad stock, certain towns may sell, chap. 21 ... 110
Rensselaer county may reduce number of town officers, chap. 265 ... 394
Ulster county, division of town of Kingston and erection of town of Ulster, chap. 407, 598; chap. 599 ... 892
TOWING.
Preventing interference with owners and captains of steamers engaged in, chap. 395 ... 571
TRAMPS.
Act concerning, chap. 176 ... 296
TRANSPORTATION.
Appropriation for, of Session Laws, etc., chap. 141 ... 257
TRAVELING PUBLIC.
For the better protection of, chap. 223 ... 340
TRESPASS.
Railroad cars and engines, preventing, on, chap. 370 ... 551
TROY, CITY OF.
Charter of, amended, chap. 80, 117; chap. 332 ... 493
Fire department, board of trustees of, incorporated, chap. 193 ... 312
Justices' court, establishing, chap. 255 ... 382
Police force established, chap. 328 ... 476
School commissioners in, act relating to, amended, chap. 82 ... 137
Troy Young Men's Association, incorporation of, amended, chap. 217 ... 332
TROY YOUNG MEN'S ASSOCIATION.
Incorporation of, amended, chap. 217 ... 332
TRUST COMPANIES.
Laws with regard to, providing for the compilation and revision of, chap. 170 ... 293

TRUSTEES OF THE PRESBYTERIAN CHURCH AND CONGREGATION AT FRESHPOND.

PAGE.

Name changed to Trustees of the Presbyterian Church and Congregation at Northport ... 916

TULLY, TOWN OF.

Commissioners of Excise, acts legalized, chap. 309 ... 451

TUNNELS.

Tunneling and bridging for transportation purposes in cities and villages, chap. 582 ... 872

TURNPIKES.

Relating to turnpike companies, chap. 484 ... 693

ULSTER, TOWN OF.

Formation of, legalized, chap. 407 ... 598
Formation of, by supervisors, chap. 599 ... 892
Temporary relief of poor in, chap. 478 ... 686

ULSTER, VILLAGE OF.

Charter amended, chap. 467 ... 670

ULSTER COUNTY.

Collection of taxes in, amended, chap. 573 ... 851
Commissioners of highways to act as inspectors of plank-roads, concerning, chap. 137 ... 247
Ellenville, village of, charter amended, chap. 49 ... 151
Ellenville, village of, relating to assessment for taxes, chap. 157 ... 282
Kingston, city of, charter amended, chap. 299 ... 441
Kingston, city of, relating to bonded indebtedness, chap. 501 ... 712
Kingston, city of, providing for a water supply, chap. 523 ... 735
Kingston, school district, relating to, chap. 842 ... 505
Kingston, town of, division of, legalized, chap. 407 ... 598
Kingston, town of, division of, chap. 599 ... 892
Overlook Turnpike Company, rate of toll fixed, chap. 238 ... 361
Providing for navigation of Walkill creek, chap. 205 ... 322
Saugerties, town of, relating to overseer of the poor, amended, chap. 426 ... 614
Saugerties, town of, salary of town clerk and commissioner of highways fixed, chap. 380 ... 562
Supervisors may issue bonds to pay portions of county bonds falling due, chap. 2 ... 2
Towns, cities and villages of, may sell capital stock of railroad companies, chap. 21, 110
Ulster, town of, formation of, legalized, chap. 407 ... 598
Ulster, town of, temporary relief of the poor, chap 478 ... 686
Ulster, village of, charter amended, chap. 467 ... 670

UNION EVANGELICAL CHURCH OF CORONA.

Incorporation of, confirmed, chap. 1 ... 1

UNION FREE SCHOOL DISTRICTS.

To provide for the dissolution of, in certain cases, chap. 210 ... 325

UNION PLANK ROAD COMPANY.

For the relief of, chap. 511 ... 721

UNITED STATES.

Cold Spring Harbor, may acquire title to lands at, chap. 29 ... 116
Great Beds in Raritan bay, jurisdiction ceded to, over submarine site for a lighthouse at, chap. 69 ... 175
Harlem river, right of way for the improvement of, granted, chap. 65 ... 167
New Brighton, may acquire title to lands at, chap. 15 ... 94
New York harbor, lands in, ceded to, chap. 196 ... 315
West Point, lands at, ceded to, chap. 559 ... 812

UNITED STATES DEPOSIT FUND. PAGE.
Appropriation from, chap. 141 ... 260
Reducing rate of interest, chap. 517 ... 726

UNITED STATES LOAN AND SECURITY COMPANY.
Incorporation, amended, chap. 189 ... 305

UNIVERSALISTS.
New York State Convention of, incorporation of, amended, chap. 356 ... 522

UTICA, CITY OF.
Charter amended, chap. 539 ... 757
Creation of two new wards, chap. 25 ... 113
May borrow money to pay certain debts, chap. 206 ... 323

VACANCIES.
When deemed to occur in public offices, chap. 4 ... 6

VIENNA.
Railroad stock, authorized to sell, chap. 31 ... 110

VILLAGES.
(See, also, the various villages.)
Bonded indebtedness of, act in relation to, amended, chap. 12, 12; chap. 204 ... 322
Collection of judgments against, chap. 554 ... 808
Incorporation of, act in relation to, amended, chap. 64, 166; chap. 144, 269; chap. 172, 294; chap. 292, 433; chap. 422, 610; chap. 496 ... 706
May charge license fees to persons doing business on canals, chap. 302, 444; chap. 434, 620 ... 620
Police courts, relating to, chap. 235 ... 359
Railroad stock, certain villages may sell, chap. 21 ... 110
Richmond county, villages in, may contract for a supply of water for fire and other purposes, chap. 78 ... 191
Sidewalks and highway labor, relating to, chap. 305 ... 446
Tunneling and bridging for transportation purposes, chap. 582 ... 872

WALDEN, VILLAGE OF.
Act incorporating, amended, chap. 166 ... 288

WALKILL CREEK.
Providing for the navigation of, chap. 205 ... 322

WALTON WATER COMPANY.
Incorporation validated and acts legalized, chap. 343 ... 506

WARDENS AND VESTRYMEN OF ST. MARY'S CHURCH.
Name changed to Rector, Wardens and Vestrymen of St. Mary's Church ... 916

WARREN COUNTY.
Road from Johnsburg to Carthage road near Long Lake, relating to, chap. 578 ... 867

WASHINGTON COUNTY.
Cambridge, village of, charter amended, chap. 402 ... 580
Putnam union free school district number ten, of White Creek and Jackson, act authorizing trustees to sell portion of real estate, chap. 71 ... 176

WASHINGTON HEAD-QUARTERS.
Appropriation for, chap. 141 ... 258

WATERLOO, VILLAGE OF.
Fire department incorporated, chap. 310 ... 451

WATERTOWN, CITY OF.
Charter amended, chap. 495 ... 705
Water commissioners authorized to borrow money, chap. 148 ... 273

WATERVILLE OPERA HOUSE COMPANY, LIMITED. PAGE.
Powers enlarged, chap. 470 675

WATERVLIET, TOWN OF.
Town officers, act enabling electors to vote for, by districts, amended, chap. 28 ... 115

WATKINS, VILLAGE OF.
Fire department, amending incorporation of, chap. 408 598

WAYNE COUNTY.
Macedon, village of, election of officers legalized, chap. 198. 319
Wolcott, general village act amended so far as relates to, chap. 387 566

WAYS AND MEANS.
Act to provide, for the support of the government, chap. 515 725

WEIGHTS AND MEASURES.
Appropriation for salary of superintendent, chap. 141 253

WELLSVILLE, VILLAGE OF.
Sidewalks, relating to, amended, chap. 361 539

WESTCHESTER, TOWN OF.
Providing for refunding of bonded debt of, chap. 131 240

WESTCHESTER COUNTY.
Bronx river, providing for a bridge over, chap. 163 285
Concerning notaries public, chap. 234 358
Cortlandt, town of, extending time for collection of taxes in, chap. 156 281
Drainage of swamps, etc., relative to, chap. 388 566
Hastings-on-Hudson, election of officers confirmed, chap. 116 226
Mount Pleasant, town of, may raise money to pay estate of John O'Keefe for loss sustained by depositing town funds in First National Bank of Tarrytown, chap. 180 240
Mount Vernon, village of, relative to sidewalks, chap. 375 555
New Rochelle, town of, acts of certain town officers legalized and issuance of bonds authorized, chap. 40. 143
New Rochelle, town of, office of receiver of taxes established, chap. 112, 324; amended, chap. 457 661
Offices of county clerk, treasurer and register, keeping open of, chap. 334 499
Peekskill, village of, relating to water-works, amended, chap. 401 577
Sale of lands for unpaid taxes, amended, chap. 506 715
Westchester, town of, providing for the refunding of bonded debt, chap. 131 240
Yonkers, city of, may issue bonds for certain purposes, chap. 59 163
Yonkers, city of, establishing a police force, chap. 441 644
Yonkers, city of, for a supply of water, amended, chap. 442 646

WESTERN HOUSE OF REFUGE.
Appropriation for, chap. 141. 259

WESTERN NEW YORK AGRICULTURAL SOCIETY.
Regulating voting in, chap. 214 330

WESTERN NEW YORK INSTITUTION FOR DEAF-MUTES AT ROCHESTER.
Appropriation for, chap. 141 258

WEST POINT.
Lands at, ceded to United States, chap. 559 812

WESTPORT, TOWN OF.
Relative to moneys for payment of bonds, chap. 346 514

WEST TROY, VILLAGE OF.
Board of fire commissioners established, chap. 329 488
Trustees may construct a sewer in Utica street, chap. 498 698

WIDOW. PAGE.
Sale of real estate and discharge of dower, amended, chap. 487 697
WIFE.
Partition of lands held by husband and, chap. 472 676
WILLARD ASYLUM.
Appropriation for, chap. 141 259
Appropriation for support of Mark Jack, an insane Indian, chap. 141 259
WILMINGTON, TOWN OF.
Action of electors legalized, chap. 421 610
WILSON, VILLAGE OF.
Act extending powers of trustees of, amended, chap. 102 213
WINTERBOTTOM, ELLA MINERVA.
Name changed to Ella Jane Winterbottom 907
WOHLCKER, LEWIS.
Name changed to Lewis Walton 914
WOHLCKER, WILLIAM.
Name changed to William Walton 907
WOLCOTT, VILLAGE OF.
General village act so far as relates to, amended, chap. 387 566
WOMEN.
Acknowledgments by married, amended, chap. 300 443
School trustees, eligible to serve as, chap. 9 10
WOOD, HENRY G.
Acts as notary public legalized, chap. 505 714
WRITINGS.
Comparison of, chap. 36 141
WYOMING COUNTY.
Attica, town of, authorizing supervisor to purchase lands of Attica Cemetery Association, chap. 295 436
Attica, village of, charter amended, chap. 294 435
Attica, village of, proceedings of trustees relating to purchase and sale of real estate, confirmed, chap. 104 215
Attica, village of, charter amended, chap. 44 147
Attica Water Company, authorized to purchase and operate gas works, etc., chap. 35 140
Bonded indebtedness of towns of Attica and Java, in relation to, chap. 146 270
YATES COUNTY.
Penn Yan, charter of village of, amended, chap. 80 193
YONKERS, CITY OF.
Authorized to issue bonds for certain purposes, chap. 59 163
Police force established, chap. 441 644
Water, for a supply of, amended, chap. 442 646

3 6105 063 723 535